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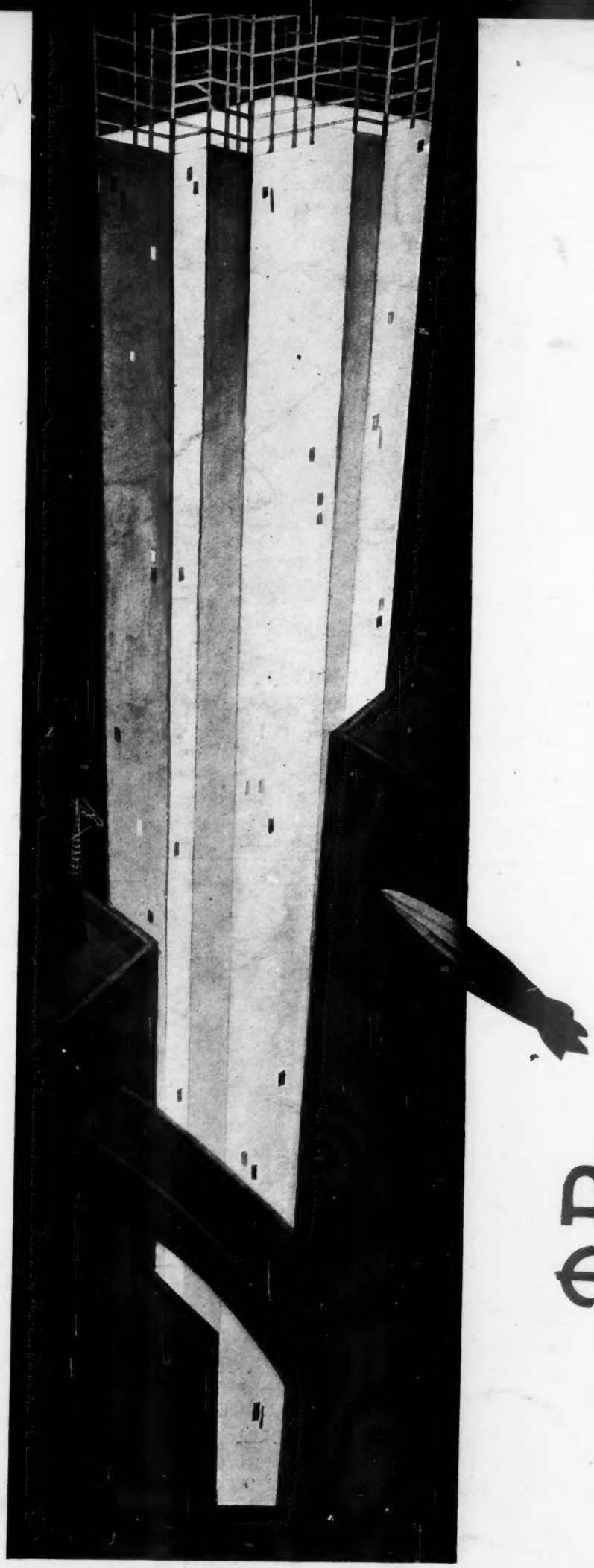

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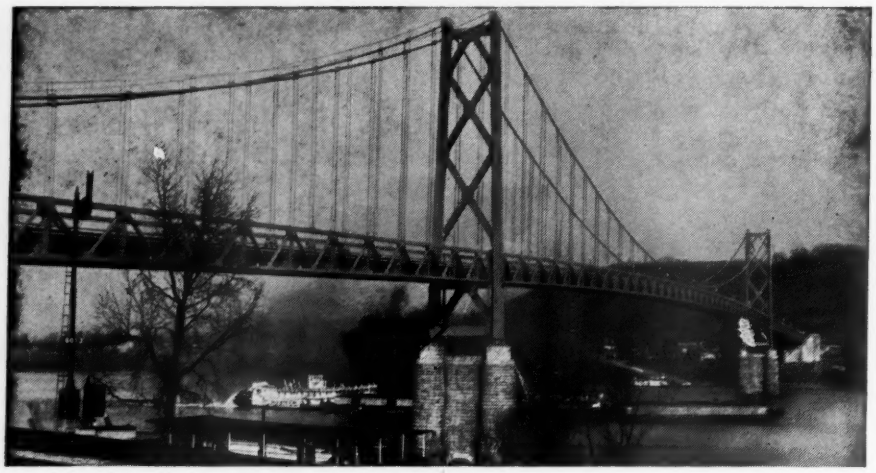

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* * *

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The nucleus of a powerful professional organization has been formed.

Will you take part in the work or do you propose to sit by and reap the benefits?

The work of the Chapters, as well as the parent organization, is of vital interest to you.

Join a County Chapter by addressing a communication to the President of the Chapter selected, whose name and address appear on this page.

For further information, communicate with State Headquarters, Room 2952, Grand Central Terminal, New York, or the President, 74 Chapel St. Albany, N. Y.

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NUMBER 5 MAY, 1934

ANNUAL MEETING

New York, May 26th

Important Announcement Awaited

THE Seventh Annual Meeting of the New York State Society of Professional Engineers will be held Saturday, May 26th, in the Hotel Commodore.

Aside from the many matters that will come up for discussion and decision, this meeting is expected to provide the first public announcement of a movement that is perhaps the most important ever undertaken by the profession in this country.

The development of the State Society has awakened an interest that has long been dormant. The welfare of any profession is inseparable from the well-being of society. One cannot justly preach humanity as the object of his concern unless he gives evidence that his preachings are in keeping with his practices. Engineers have contributed more to the material welfare of society than any other group, but have given little evidence of concern for the effects of their contributions, either upon themselves or their fellow beings. The time has come for the profession to reorganize its activities in such a manner as to develop among Engineers a desire to become active participants in directing the social order which cannot survive without the profession which makes it possible.

Enough of prophesying for the moment.

Saturday, May 26th, will disclose what has always been the cherished hope of the founders of the New York State Society.

The meeting this year will be patterned after that of 1933. From the Committee on Arrangements, composed of L. S. Stiles, Kings; A. G. Archibald, Nassau; H. G. Balcom, New York; A. K. Johnson, Queens, F. H. Zurmuhlen, Richmond; F. J. Biele, Suffolk; J. Avery, Westchester; and headed by Joseph F. Lamb, President of Bronx Chapter, comes information to the effect that the gathering will be preceded by committee conferences beginning at nine in the morning. At eleven o'clock President Chapman will call the general meeting to order. Instead of the customary dinner in the evening a luncheon will take place at 12:30. After some brief talks by prominent personages, the meeting will reconvene at two in the afternoon.

The Committee, through the several Metropolitan Chapters, has made arrangements for the proper reception and entertainment of the membership, especially those from out of town. The only expense involved is the cost of the luncheon, which is one dollar and twenty-five cents ($1.25). Week-end tickets at reduced rates are available on all railroads. It is hoped that every Chapter will be represented.

In this issue appears a copy of the revised Constitution which is submitted for the consideration of the membership. The Committee, headed by Mr. Edgar A. McKenna, has worked faithfully to produce a document incorporating a consensus of expression from every part of the State. Everyone should be sufficiently interested to express his approval or disapproval. Ballots have been mailed to all members. These ballots direct attention to the proposed Constitution published in this issue of the American Engineer.

To every Engineer is extended an invitation to attend what promises to be both an interesting and an instructive gathering of professional Engineers, representative of twenty-nine Chapters, embracing more than forty counties and ninety-five percent of the population of the State of New York. BE SURE TO VOTE!

THE CODE AGAIN REVISED

Another Edition Appears

As of April 26th, 1934

ACCOMPANIED by the following resolution the latest draft of the Engineering Division Code was issued on April 26th:

"RESOLVED, That Revised Draft of the Engineering Division Code dated April 26, 1934, is hereby approved and recommended for early acceptance by the Administrator as the Code for the Engineering Division of the Construction Industry.

John G. Eadie — Henry C. Meyer, Jr.
Gavin Hadden — Frank A. Randall
Frank Marston — Henry J. Serman
Carlton S. Proctor, Chairman,
Code Group."

ENGINEERING DIVISION OF THE CONSTRUCTION INDUSTRY

ARTICLE I

DEFINITIONS

Section 1. (a) For the purposes of this Code the term "Engineering Division of the Construction Industry," hereinafter referred to as the "Engineering Division" or "this Division" and the term "engineering services," shall include the offer to provide, or the providing of, engineering service, in general such as, investigation, studies, surveying, planning, design, supervision, inspection, engineering testing, or laboratory analysis for the construction or anticipated construction of any private or public buildings, structures or works, or construction accessory thereto, where such service involves a knowledge of engineering laws, formulae and practice, and a knowledge of the physical properties of the materials of construction and methods of installation, and limited to the following methods of practice or such methods as may be later added by amendment.

(b) *"Professional Engineering Method"* shall include the providing or undertaking to provide and be responsible for any of the engineering services defined in this section, where such services do not include constructor or contractor performance or responsibility. This method may include correlating and supervising construction and installation.

(c) *"Engineer-Construction Method"* shall include the providing or undertaking to provide and be responsible for any of the engineering services defined in this section when combined with constructor or contractor performance or responsibility.

(d) The definition in paragraphs (a), (b) and (c) of this section shall not include engineering services necessarily adjunctive to the manufacture, sale, installation or construction of patented devices or specialized processes or engineering design necessarily adjunctive to and predicated upon the use of particular processes or particular equipment or combinations of the same; nor shall this definition include the engineering services necessarily adjunctive to the operations of a contractor in the performance of the work called for by engineering plans and specifications.

Section 2. (a) For the purpose of this Chapter the term "Member of the Engineering Division" hereinafter referred to as "Member of this Division" shall include any form of organization or enterprise, or individual operating in his own behalf, providing or undertaking to provide and be responsible for, whether by formal contract or otherwise, any of the hereindefined services; provided however that

(b) it is recognized that the functions of an architect and of a landscape architect normally involve certain functions included in the above definition of engineering services, to an extent limited by the normal training and experience broadly characteristic of these professions, but an architect or landscape architect when exercising such functions so limited is not intended to be considered and shall not be considered as a Member of this Division as defined in this Article. It is also recognized that the above stated functions included in engineering services involve functions included in the definition of architectural services in the Architects Division, but such functions are hereby intended to be exercised by members of the Engineering Division only to the extent limited by the normal training and experience broadly characteristic of the engineering profession. In any case where a complaint is made that a Member of this Division has provided or offers to provide services beyond the intended scope of the functions of a Member of this Division which are the appropriate function of an Architect or Landscape Architect, but without conforming with the provisions of their respective Chapters of this Code, the complaint shall be referred to a Committee of six (6), three (3) appointed by and from the Code Authorities of each Division of the industry involved, and the decision of this Committee shall be accepted as final by Members of this Division. If either Code Authority fails to act with reasonable promptness, the matter may be referred to the Construction Appeals Board.

Section 3. A "Person" as used herein is defined to mean any private or public individual, partnership, association, trust, trustee, trustee in bankruptcy, receiver, corporation, or agency.

Section 4. The term "Client" as used herein is defined to be a person who engages engineering service.

Section 5. The term "Contractor" as used herein is defined to mean any person contracting to perform the work called for by engineering plans and/or specifications.

(*Continued on Page 17*)

CHANGE IN ATTITUDE OF THE PROFESSION to ENGINEERING SCHOOLS

By Alexander S. Langsdorf, Dean, Washington University

Reprint, with permission, from March Issue, Journal of Engineering Education

THIS subject seems to call for some reminiscence, and it is certainly remindful of the time, not so many years after the founding of this Society, when a piece of sheepskin proclaimed me a Bachelor of Science with all the rights and privileges thereunto appertaining. Looking back, it is plain that those rights and privileges were neither numerous nor impressive; and they were most certainly coupled with plentiful warnings to go forth with eyes and ears open and mouth closed until academic theory had been duly tempered with workaday experience. That advice is good to this day, but it is not now given with the same intonation. For in those days just before the turn of the century, the burden of most complaints concerning the shortcomings of technical schools and their graduates was their supposed emphasis upon theoretical considerations in the face of the pressing practical needs of a rapidly expanding industrial world. How many times, both in those days and since, have you and I heard "practical" engineers say that they had never found any use for calculus in solving actual problems? There was not a little pressure in the direction of training how to obtain results rather than to explore the reasons why those results followed. An example that comes to mind, an incident of my senior year as an undergraduate, is perhaps typical: One of my instructors in mechanical engineering, having heard some caustic criticisms of a young graduate who had shown abysmal ignorance concerning the standard shapes and sizes of pipes and pipe fittings, set my class to work to make complete working drawings—plans, elevations, side views, and sections—of every known variety of couplings, flanges, tees, elbows, return bends and valves. You may draw your own conclusions as to which procedure was the more foolish; the complaint of the so-called practical man which led to this outrage, or the supine acquiescence of the teacher who inflicted it upon a group of dignified but otherwise helpless seniors.

It is possible that the immaturity of undergraduate years may have contributed to a misunderstanding of conditions as they then existed; but the impression was nevertheless strong and theory was one thing and practice quite another. "East is east, and west is west"; and if ever the two were to meet in the careers of the young graduates of that time, it was not likely to occur at once. In the perspective of the years that have since gone by, one can see more clearly the changes even then impending or under way, but not yet clearly recognizable in their main trend. For the generation dating from the Civil War, while the industrial East was expanding its activity, while the South was mending its wounds, while the West was pushing back the frontier and opening an ever new and larger agricultural domain, the needs of the growing population were met by a newly emergent class of business executives who had behind them no traditions of education and none too great an appreciation of general culture. It could not have been otherwise, for the demands for action were urgent and insistent, and even though the educated classes had had the necessary commercial spirit there would not have been enough of them to handle the situation. The same thing happened in England after the Industrial Revolution, when the center of the stage came to be occupied by new classes coming up from social strata previously submerged.

In this post-Civil War period a huge economic vacuum was in process of being filled, and circumstances being what they were, it is not strange that the industrial and mercantile world was dominated by a philosophy of rough-and-ready practicality, impatient of theoretical refinements. Quite naturally, therefore, the technical schools that were established in considerable numbers within the decade following the Morrill Act of 1862 were in the beginning schools of mechanic arts where very considerable emphasis was placed upon the development of manual skills and empirical knowledge, and only limited attention was given to theoretical courses of instruction. It is very illuminating in this year 1933 to look over the curriculum of a technical school as revealed by a catalogue of say, 1873; a very large part of which then constituted instruction in mathematics and the physical sciences has since been relegated to high school preparatory requirements. The early graduates of these pioneer schools were definitely pointed to be "practical" men, equipped to help in the practical work of the kind that then awaited them in the outside world.

But in the decade preceding the founding of this Society a new and active influence was brought to bear upon professional engineering practice and in turn upon engineering education. Electrical devices of various types which in some instances had been merely interesting toys, took on extreme commercial importance. The telephone, the electric motor, the incandescent lamp, the street railway, depended for their development and operation upon an acquaintance with the mathematical theory of electricity and magnetism, and considerable numbers of men had to be initiated into mysteries previously reserved for Olympian heights. The technical schools of that time responded admirably to the new needs by altering their curricula and shifting the emphasis to the underlying

(*Continued on Page 18*)

SYNOPSIS OF PRACTICE ACT

Information concerning the Engineers' Licensing Law in New York State

From Booklet Issued by New York State Society

THIS statement has been prepared by the *New York State Society of Professional Engineers* for the information of those who are unfamiliar with the Engineers' Licensing Law.

The Law—The Engineers' Licensing Law in New York State (first enacted in 1920 and successively improved and strengthened by amendments, now constituting Article 55 of the State Education Law) declares it to be *unlawful for any person to practice or to offer to practice Engineering or to use the designation Engineer, unless such person is duly licensed as a Professional Engineer.* Similar laws for the licensing of Engineers are now in force in 27 States. There are now approximately 10,000 licensed Professional Engineers in New York State, and approximately 30,000 in the other States.

Purpose of the Law—The Engineers' Licensing Law, like the corresponding statutes regulating the practice of Medicine, Law, Architecture, and other responsible professions, is primarily for the protection of public interest. The work of no other profession more truly concerns the safety of life, health, and property. At the same time, the Licensing Law is also necessary for the protection of the good name of the Profession. Public respect for the Profession is injured if the untrained, the incompetent and the unworthy are allowed to hold themselves out as members of the Profession.

Who Are Included—A Professional Engineer is any individual who practices in the Engineering Profession. This includes all branches of the Profession, without any exception. The law, like that regulating the practice of Medicine and other professions, makes no distinction between the different branches or specialties of the Profession. The law does not cover men who are commonly called "engineers" merely because they operate locomotive or stationary engines; these men should properly be called "enginemen." But all who practice engineering in the professional sense (consulting, designing, etc.) are required to be licensed as Professional Engineers. In order to avoid any question as to the exact nature of a man's practice, the law now provides that no one may call himself an "Engineer" unless he is licensed.

Enforcement of the Law—The machinery of enforcement has already been put into effect in the States having Engineers' Licensing Laws, and men have been arrested, tried and fined for practicing Engineering without a license. In one case, an unlicensed man was sentenced to the workhouse for using the designation "Civil Engineer" on his letterhead. In another case, a man was convicted of manslaughter for the collapse of a structure which he had designed without a license to practice engineering. The Supreme Court in one state ordered a concern to abandon its trade name, "The Standard Engineering Company," because the members of the firm were not registered Engineers. Courts have ruled that even college graduates with engineering degrees may not use such designations as "Civil Engineer" or "Electrical Engineer" until they are admitted to engineering registration. The Courts have repeatedly ruled that lack of a license disqualifies experts offering engineering testimony and invalidates contracts for engineering services.

Cooperation of Public Officials—Public officials are cooperating in the enforcement of the Engineers' Licensing Law. Construction plans signed by unlicensed men are rejected by Federal and local officials. Men not registered as Engineers are debarred from holding such offices as City Engineer. Civil Service Commissions are cooperating by requiring a license as a prerequisite for appointment to engineering positions. In New York State, the law specifies that no plans or specifications for buildings or structures may be filed unless stamped with the seal of either a licensed Engineer or a licensed Architect.

Cooperation of Corporations—Large railroads exempt under the licensing law, have directed all their Assistant Engineers to secure registration, in anticipation of legal questions of responsibility that might arise. Other corporations have voluntarily instructed the men in their engineering organizations to secure registration, withdrawing the title of Engineer from those that did not. Some firms require the Engineers in their organizations to be licensed in order to be qualified to give expert testimony. Employees making the design or inspection of structures must be licensed Engineers, otherwise criminal liability is incurred in a failure. Many corporations have voluntarily agreed to avoid the misuse of the term "Engineers" or "Engineering" in their advertising.

Qualifications for Engineer's License—An engineering graduate, after the required preliminary education and after completing an approved course of engineering training of four years or more in an accredited college of Engineering, is required to have four years or more of satisfactory engineering experience and then to pass the prescribed written examination before he can qualify for a license. A non-graduate must show, by written examinations, that he has the equivalent education and training, and in addition must have more than eight years of satisfactory engineering experience before qualifying. An Engineer of established and recognized standing in the Profession, with a record of more than fifteen years of lawful professional practice may be exempted from the written examinations. In all cases, certification of character and professional integrity is one of the requirements.

How to Apply for a License—Application blanks for license as Professional Engineer may be obtained by writing to the State Education Department, Albany, N. Y., or at the office of the New

(*Continued on Page 19*)

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Do We Need Birth Control For Ideas?

Yes—Says Sir Josiah Stamp

Reprinted, with permission, from the Rotarian of April, 1934

AN interesting discussion upon the subject above noted appears in the last issue of the official publication of Rotary International. The affirmative view as expressed by Sir Josiah Stamp is published herewith. Another point of view will appear in the June number of The American Engineer which acknowledges the courtesy extended by "The Rotarian."

By Sir Josiah Stamp

The flame of technocracy, recently so bright, has now died down into a dull after-glow. But the nine days' wonder has left behind in our minds some of the extraordinary facts about invention and machinery which originally excited us. And while we may now be cured of any notion that government by technocrats is a remedy for our ills, we still have uneasy questions about the boasted advance of knowledge, and particularly its scientific applications in engineering and invention, so that we are suspicious that there must be some key to the social machine which we have not mastered.

Has not the welter of new knowledge rather got the world in its grip, so that we are no longer its master? It is not a comfortable feeling for civilization that its own contraptions are dictating its course of life; that the creatures of men's brains have become the creators of their destinies, and that "things are in the saddle."

The British Association for the Advancement of Science has bumped into this problem with disconcerting force in three successive years. In its Centenary Year in London, the soldier-statesman-philosopher, General Smuts, as president; the following year a great engineer, Sir Alfred Ewing, in the same office, and this last year, the great biochemist and revealer of much of our knowledge of vitamins, Sir Frederick Hopkins, all dealt with the chaos that growing scientific knowledge is introducing into our affairs. Or perhaps they put it more politely—the inability of the world to take proper advantage of the boons of science without going sick over them.

Some emphasize the moral aspect and the lack of our ability to rise to new ethical standards in handling these affairs, and others deal with the defects in the science of central management. This annual warning has at least awakened the press and public to ask; If science itself admits that it is introducing chaos into human affairs and giving rise to as many new problems as it solves, what is science going to do about it?

Are we going to go on assuming that however extensive and disintegrating may be an invention which science introduces into our midst, the social organism will somehow adapt itself comfortably to the new situation, the political government will be equal to all the new alignment of forces that science produces and, generally, that we can secure all its advantages and overcome the difficulties that accompany it? Must we not "invent" a technique for accommodating ourselves to constant change, and is this technique a scientific one for the physical scientists themselves to invent, or does it involve a new art of government? Are we capable of sufficient foresight to see that innovations come into our midst only under conditions which will prevent complete disorganization and disintegration of the existing forces?

The problem created by invention of machinery in disturbing existing business and the skill of a large number of people is, of course, not a new one; it has existed for centuries, and the world has somehow succeeded in accommodating itself to it—often making no end of a din in the process, which we have forgotten or never knew anything about. But it is now suggested that there are three completely new factors.

First, the changes have come so thick and fast compared with the old days, that the power of adjustment of society has been tested beyond its endurance, and society, therefore, runs a risk of breaking down. In the old days the elastic was gently stretched, the spring was mildly extended; today both are pulled beyond the point of maximum endurance and breakage is the result.

The second point is that we have today a strong humanitarian instinct, and we can no longer be content to see a new invention give advantages to the whole population, enrich a few enterprising pioneers, but beggar and impoverish, through no fault of their own, a whole section of worthy people, who have invested their capital or their lifelong skill in existing ways that are now outclassed and displaced. We feel that it is unjust, and the winners should pay something to look after the losers in the lottery.

The third factor is that modern science and the growth of knowledge can only be brought to practical service by embodiment in large fixed capital assets which are enormously costly, and which, with a precarious life, subject to some fresh whim of public fancy, or under the pressure of new scientific innovation, may be wholly wasted. This is great waste of resources. If we find that production and consumption get so widely out of hand under unregulated individual enthusiasm, that we have to introduce some element of central control and planning, how much more, it is said, should such planning be applied when completely new disturbing elements are introduced.

(*Continued on Page 19*)

An Important Decision

Tennessee Supreme Court Rules

Practice Does Not Depend on Designation

THE Supreme Court of Tennessee has recently confirmed a decision rendered last year by the Chancellor of Davidson County of that State.

One A. Herbert Rodgers undertook to perform the duties of an architect by designating himself as a designer. The decision of the court strengthens the Tennessee law and indirectly influences the interpretation of similar laws in other States.

The National Council of State Boards of Engineering Examiners, through its President, N. W. Dougherty, has forwarded the opinion of the court which is both interesting and valuable.

DECEMBER TERM, 1933
STATE BOARD OF EXAMINERS
FOR ARCHITECTS AND ENGINEERS
vs.
A. HERBERT RODGERS
DAVIDSON EQUITY

OPINION

Proceeding under the authority and direction of code sections 9316-9317, the complainants sue to enjoin the defendant "from practicing architecture," without complying with the statute, code sections 7098-7112, requiring examination and registration of architects.

The Chancellor found against the defendant's contention that his plan and method of business did not amount to the practice of architecture, and enjoined him, in general terms, from "practicing architecture" in this state, until he shall have been duly registered and certified. The defendant's appeal to the Court of Appeals was transferred by that Court to the Supreme Court, because in his answer and assignments of error the defendant questions the constitutionality of the applicable sections of the Code.

The defendant characterizes his business as that of a decorator and designer. His work and talent, as he describes them, are more nearly those of an artist than of a builder of structures. His interest is in the realm of aesthetics. When applied to the building trade, however, these qualities are proper characteristics of the architect. Architecture is defined in the Encyclopaedia Britannica as "the art of building in such a way as to accord with principles determined, not merely by the ends the edifice is intended to serve, but by high considerations of beauty and harmony . . . . The end of architecture as an art is so to arrange the plan, masses and enrichments of a structure as to impart to it interest, beauty, grandeur, unity, power. Architecture thus necessitates the possession by the builder of gifts of imagination as well as of technical skill."

The elements of stability and strength are combined with ornamentation in all practical concepts and definitions of architecture. In the Standard Dictionary the definition of an architect is: "One skilled in practical architecture; one whose profession it is to devise the plans and ornamentation of buildings or other structures and direct their construction."

In the testimony of witnesses heard by the Chancellor the controversy of fact was not so much with regard to what the defendant did and contracted to do for his customers or patrons, but whether he represented himself to be, and to possess the qualification of, an architect, in so doing. For the present we are concerned with whether in fact he performed the services of an architect, and received compensation therefor; and of this we think there is no doubt.

The proof deals with the defendant's work on several dwellings constructed in and around Nashville. These buildings were extensive in size and number of rooms, and are of the type in which dwell the wealthy people of the community. Some of them are of imposing proportions. Defendant's contract with the owner included the furnishing of detailed plans and specifications for the construction. In some he associated himself with a firm of registered architects, but in others all the plans were furnished by his own office force which did not include a registered architect, and his contract with the owner included the responsibility of supervising the work of construction.

We quote the defendant's explanation of the development of his business from the brief filed for him in this Court: "Defendant for the past two or three years has been designing or drawing plans for residences. As heretofore stated, the defendant began designing buildings by reason of the fact that his clients solicited his opinion regarding the character and kind of houses that should be built in particular locations and caused him to collaborate with architects in order that the architects might have the benefit of his opinion. His ideas were sought chiefly on account of his suggestions as to arrangement, design, character, mass, form, color and line. The demand for the defendant's services in this respect increased to the point where it was necessary for him to offer his clients the services they were demanding, and in order for him to do so it was necessary to do the work himself. The defendant deliberated for some time before going into the designing of buildings and over a period of two years considered the matter before finally making his decision and deciding to design buildings himself for the reason that he found that by giving his honest opinion and criticizing drawings executed by others he caused the draftsman or the originator of the plans to become very much offended and sometimes apparently the architect would become insulted at the comments

(Continued on Page 20)

THE CHAPTER UNIT

Annual Report Indicates Value

By L. S. Stiles

THE annual report, made by the President of Kings County Chapter, has brought several requests for publication from members who believe that the spirit displayed is a convincing argument for the professional society composed of county units.

KINGS COUNTY CHAPTER
NEW YORK STATE SOCIETY OF PROFESSIONAL ENGINEERS
PRESIDENT'S REPORT
1933-1934

Doubtlessly there will be some cases where this report covers the same ground as the reports submitted by other officers or by committee chairmen. However, this is unavoidable. The committee chairmen's reports will cover the phases of the Chapter activities in which they are directly concerned, while this report will touch on such subjects from the viewpoint of the Chapter as a whole. I therefore ask all members to bear with any possible repetitions as you will find that the same subject, if repeated, is presented in a different light in this report.

The President's brief review of Chapter activities during his term, is as follows:

Number of Chapter Members

	Total Membership	Members in Good Standing
At present	216	188 (87%)
Last spring	171	152 (89%)
Increase	45	36

Members lost by death during past year, 1; by resignation, 1; members dropped for non-payment of dues, 7.

Number of Licensed Engineers in State; Number in State Society; Counties Represented

Incidentally, there are approximately 10,000 licensed professional engineers and land surveyors in the State of New York. The State Society has a membership of about 2500 of whom approximately 1800 are in good standing. There are 62 counties in New York State and 29 Chapters embracing 44 counties, but in point of population these 44 counties which are represented in the State Society, contain over 95% of the population.

States Having Licensing Laws

Licensing laws for engineers have been passed in 27 States.

Questionnaire Sent to Chapter Members

Complete information as to address and other particulars was procured from those members of the Kings County Chapter who saw fit to answer and return the questionnaire sent them. Unfortunately a surprisingly large number did not respond.

New Members

General business conditions greatly mitigated against our procurement of many more new members. Many individuals of high standing and most desirable, were completely sold on joining. Times, however, prevented.

Quest for New Members—Lack of Co-operation on Part of Membership

To assist the Membership Committee in procuring new members, we sent about 60 members, active in Chapter affairs and meetings, a list of promising prospects whom Mr. A. Barnett Green had interviewed, and asked them to select those names on the list of prospective members they would be willing to interview, and to let us know. The response to this appeal was disappointing. Only three replies were received by me, a very decided indication that a keener interest on the part of the members would redound to Chapter success.

Monthly Meetings; Papers and Speakers

At two of the monthly meetings during the past year we have had prominent speakers address us. The first talk was given by Mr. O. H. Ammann, Chief Engineer of the Port of New York Authority, and the second by Mr. Dean C. Edwards, Chief Engineer of the Civil Works Administration. The other meetings have been devoted exclusively to business. A canvass indicated that this seemed preferable to practically all the members. The Entertainment Committee stands ready to give the members whatever form of meeting or social activity they desire. It is, however, necessary for the members to make known what they want.

Discussions At Meetings

I think it would be very helpful if all members would study our constitution and by-laws. A great deal of time is consumed at the meetings, discussing points which are so very plainly covered by them. This time could be devoted to topics more important and more interesting to the membership at large. These lengthy discussions which too frequently turn into protracted arguments do not present a pleasing picture to the majority of the members, and they must be embarrassing to any member who has a guest present. The practice of sole members monopolizing the floor to the exclusion of the other members is not the purpose for which the meetings are held. The quality of our meetings is what counts and wins the approval and interest of many who are watching to see what we really can and will do when laws provide.

Parliamentary Procedure At Meetings

We should be governed by our constitution and by-laws if only for the sake of decorum, without being over-technical about points of trivial importance. The Chairman does not wish to be critical but some of our meetings fail of interest entirely because of this. The constitution and by-laws are liberally written. For instance, the election of members to the Nominating Committee is

(*Continued on Page 22*)

CONSTITUTION AND BY-LAWS

For the New York State Society

Draft Approved By Executive Board

To Be Voted On Prior To May 26th

The Committee on Constitution Revision, headed by Edgar A. McKenna, has completed its work. More than a year has been spent in trying to reconcile the varying opinions of Chapters and individuals. The Society is greatly indebted to the Committee and the membership should manifest appreciation by voting. Whether Yes or No, the expression of every member should be recorded.

PREAMBLE

CONCERNED with the Public Weal, and

IN ORDER to safeguard life, health, and property, by restricting the practice of Engineering and Surveying to properly qualified persons;

LIKEWISE, to advance the welfare of the Engineering Profession by the establishment and observance of high ethical standards of conduct, and through sponsorship of the creation and enforcement of adequate license laws and practice acts;

ALSO, to place the control of engineering projects within the scope of such laws and acts;

FURTHER, to focus public attention upon the professional standing, functions, requirements, and accomplishments of engineers;

WITHAL, to sponsor and promote honorable procedure tending toward emoluments commensurate with the dignity and responsibility of this profession, THE NEW YORK STATE SOCIETY OF PROFESSIONAL ENGINEERS, INC., has been organized; and to such ends the Constitution, of which this preamble is a part, is hereby set forth.

CONSTITUTION

ARTICLE I

NAME

Section 1. This Society shall be known as The New York State Society of Professional Engineers, Inc.

ARTICLE II

HEADQUARTERS

Section 1. The principal office shall be located in such City of not less than one hundred thousand population of the State of New York, as may be selected by a letter ballot, upon recommendation of the Executive Board, and shall be designated as State Headquarters. A two thirds affirmative vote, with at least twenty percent of the membership voting, shall be necessary so to select.

ARTICLE III

CHAPTERS

Section 1. The Society, through its Executive Board, may authorize and charter one chapter in each county. Where expedient, two or more counties may be combined for the purpose of the organization of one chapter.

Section 2. The Executive Board of the State Society shall have authority to grant charters to chapters, provided that Section 3, 4, or 5, and Section 6 of this Article have been complied with, and that nothing in the chapter constitution and/or by-laws shall conflict with or contravene the Constitution and By-Laws of the State Society.

Section 3. The written petition of five professional engineers and/or land surveyors residing or practicing within the limits of any one county; or, where two or more counties are combined, of three professional engineers and/or land surveyors residing or practicing within each of the counties so combined, shall be deemed sufficient to authorize and charter a chapter. A majority of the number so petitioning shall be licensed professional engineers.

Section 4. Two or more chartered chapters may merge into one and may be granted a charter, provided that a majority of the membership, in good standing, of each chapter so petition. Upon issuance of the new charter the separate charters of the merged chapters shall be surrendered to the Society.

Section 5. A chartered chapter that comprises two or more counties may divide into two or more separate and distinct chapters to which charters may be granted, provided that a majority of the members thereof, in good standing, residing or practicing in a county desiring a separate charter, so petition. Such majority, however, shall not number less than five, nor shall any chapter resulting from such separation consist of less than five members. The charter of the combined county chapter shall be surrendered to the Society upon issuance of separate charters.

Section 6. Petitioners under Sections 3, 4, or 5, of this Article shall submit a copy of the proposed chapter constitution and by-laws with their petition to the Executive Board.

ARTICLE IV

MEMBERSHIP

Section 1. The membership shall consist of Professional Engineers and/or Land Surveyors licensed by the State of New York.

Section 2. There shall be but one class of membership.

Section 3. All membership shall be contingent upon, and simultaneous with, election to membership in a chartered county chapter; except that a non-resident of New York State, or a resident of a county of this State in which a chartered chapter does not exist, may be elected to membership without chapter affiliation until such time as a chapter is chartered, or as hereinafter provided. A licensee of the State of New York may be elected to membership in any chapter or chapters provided a waiver has been obtained by the chapter intending so to elect from the chapter having jurisdiction in the county of the licensee's residence or practice. After January 1, 1937, there shall be no membership except through the chartered chapters; provided, however, that a licensee of the State who neither resides nor practices in the State, may be elected to membership in the Society without chapter affiliation.

ARTICLE V

OFFICERS, DIRECTORS, EXECUTIVE BOARD, AND BOARD OF TRUSTEES

Section 1. The officers of the State Society shall consist of a President, a First Vice-President, a Second Vice-President, an Executive Secretary, a Financial Secretary, and a Treasurer.

Section 2. There shall be twenty-four Directors, representing, as far as practicable, all sections of the State. The Officers and Directors, together with the two immediate Past Presidents, shall form the Executive Board of the Society. The President of the Society shall be Chairman of the Executive Board.

Section 3. The presidents of the county chapters shall, by virtue of their election as such, be permitted to meet and deliberate with the Executive Board at any meeting thereof, but shall not be entitled to vote.

Section 4. There shall be a Board of Trustees composed of all Past Presidents of the State Society, which shall elect its own chairman. Its activities and duties shall be as assigned by the Executive Board.

ARTICLE VI

COMMITTEES

Section 1. There shall be seven standing committees; namely, Ethics and Practice, Legislative and Enforcement, Public Relations, Membership, Chapter Activities, Publications, and Resolutions.

Section 2. The standing committees shall consist of not less than three nor more than five members; except that whenever the duties and scope of any standing committee warrant larger membership, the President shall, upon request of the committee, be empowered to increase its membership.

Section 3. The chairmen and members of standing committees shall be appointed by the President for a period of one year or until discharged, and shall be designated within one month after the election of the President.

Section 4. A Nominating Committee of five members shall, at the Winter Meeting, be nominated and elected from the floor. No Officer, Director, or Trustee shall be eligible for membership on this committee. This com-

(Continued on Page 14)

THE TULANE UNIVERSITY LIBRARY NEW ORLEANS

ITEMS OF INTEREST

License Examinations—News

Chapter Activities

CANADIAN EXAMINATIONS
From The Daily Province, Vancouver, B. C. (4-7-34)

THE ENGINEERING PROFESSION IN BRITISH COLUMBIA

The semi-annual examinations for admission to the profession will take place in Vancouver, Victoria, Prince Rupert, Kamloops, Anyox and Nelson, on Monday, April 23, 1934, and following days. In the following branches of engineering: Civil, Chemical, Electrical, Forest, Mining, Mechanical and Structural.

EXAMINATIONS FOR NON-UNIVERSITY APPLICANTS

Preliminary: Qualifications—Junior matriculation, sponsorship by senior engineers.

Intermediate: Qualifications — Junior matriculation and engineering pupil status or the equivalent. Sponsorship by two senior engineers.

Final Professional Examination for License to Practise: Qualification—Engineer-in-training status or the equivalent, and ten years' practical experience.

EXAMINATION FOR UNIVERSITY GRADUATES

Graduates' final professional examination takes place throughout the year, being an engineering thesis or extended engineering report on professional experience enjoyed subsequent to graduation.

Qualifications—Graduation from an approved faculty of applied science, four years' practical experience and enrollment for this period as an engineer-in-training.

Information can be obtained from: The Registrar, The Association of Professional Engineers of B. C., 930 Birks Bldg., Vancouver, B. C.

THE ENGINEERING ACT.
PRACTISING AS A MINING ENGINEER

To Whom It May Concern:

TAKE NOTICE that by the terms of the Engineering Act of the province only those who are holders of a license to practise either as a Mining Engineer or a Geological Engineer are authorized to make mining engineering reports or geological engineering reports, or to engage otherwise in the practice of a Mining Engineer or a Geological Engineer.

Lists of engineers entitled to practise will be found in the British Columbia Gazette of February 15, 1934, or can be obtained upon application to: 930 Birks Bldg., Vancouver, B. C.

Seymour 1827.

April, 1934.

PENNSYLVANIA SOCIETY FORMED
Professional Body Granted Charter

One of the most significant accomplishments of the last few years, from the viewpoint of the social and economic welfare of the Engineer, is the formation of a real professional society in Pennsylvania. With a population second only to New York as its support, this move is a tremendously important development.

The following letter, addressed to the Editor, speaks for itself:

"PENNSYLVANIA SOCIETY OF PROFESSIONAL ENGINEERS
921 Widener Building
Philadelphia, Pa.

T. W. Battin, President. Sheldon A. Keast, Exec. Sec'y.

Mr. A. V. Sheridan,
Editor, The American Engineer,
Postum Building, 250 Park Avenue,
New York, N. Y.

Dear Sir:

You will be interested in knowing that, basing its formation on the New York State Society of Professional Engineers through information supplied by Dr. Steinman, THE PENNSYLVANIA SOCIETY OF PROFESSIONAL ENGINEERS has been organized and has been granted a State Charter.

The above provisional officers are circularizing the registered Engineers and Surveyors of Pennsylvania with the intention of forming chapters at strategic points. Constitution and By-Laws for the State Society and the Chapters, a Code of Ethics, Organization Charts, and in general, a complete system of administration has been carefully prepared and checked during the past year and the organization may be said to be successfully launched and functioning.

We have been very much gratified by the cordial reception given to the project by all Engineers thus far approached, and have been relieved to find no opposition as yet, to the movement.

We are anxious to establish friendly relations with the other State Societies with a view to interchanging of courtesies, and in our case, especially profit by the experience of the older societies.

When we are more firmly established we hope we shall be able to cooperate with, and utilize the American Engineer as the New York and New Jersey Societies have been doing.

Yours very truly,
(signed) T. W. Battin,
President."

CC-Mr. Chapman
Dr. Steinman

Congratulations and best wishes to the profession in Pennsylvania. New York and New Jersey will deem it privilege to cooperate with, and extend their facilities to, the sister State.

CHAPTER NEWS
Raphael J. Smyth, Chairman
Committee on Chapter Activities

NEW YORK

ROCKLAND COUNTY

The Rockland County Chapter at its regular meeting held on April 5th adopted the following resolution:

WHEREAS, We understand that the duties and functions of the Civil Works Administration are to be taken over by the Temporary Emergency Relief Administration, and

WHEREAS, it is understood that the status of engineers is to be returned to the old T. E. R. A. basis, and

WHEREAS, we, the members of the Rockland County Chapter of Professional Engineers consider that engineers are vitally necessary to the development of any worth while project, and therefore should be employed on the basis of professional experience and ability and not soley on the basis of financial need, be it therefore.

RESOLVED, that we request that the various officers, officials and administrators of the T. E. R. A. give due consideration to the engineers required to plan and supervise the various projects that will be carried on under the T. E. R. A. and that salaries and other conditions of employment should prevail commensurate with the engineering duties to be performed and be it further

RESOLVED, that T. E. R. A. officials be urged to have engineers of the county employed on T. E. R. A. projects that have heretofore been employed by the C. W. A.

The following interesting letter, in part, from Mr. Arnold G. Chapman, President of the State Society, with regard to the subject matter of the above resolution, was addressed to Mr. Francis J. Wright, Secretary of the Chapter, on April 12th, 1934:

"Referring to the resolution adopted by your chapter on April 5th relating to the transfer of the Civil Works activities to the T. E. R. A. I wish to say that in anticipation of this transfer, I addressed a letter to Mr. Schoellkopf who is Chairman of the Temporary Emergency Relief Administration for New York State under date of March 30th.

I am in receipt of a letter this morning under date of April 11th from Mr. Aldrige Durant, Chief Engineer of the T. E. R. A., acknowledging this letter which had been referred to him by Mr. Schoellkopf.

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There were ten members of the Chapter present and the names of three new members were presented.

He states that he is wholly in favor of using the licensed professional engineer wherever the work to be performed comes within the sphere of engineering and that also he favors a proper remuneration for them. Of course, we must appreciate that the men in the State Administration must be governed by the rules and regulations issued for their guidance from Washington. I feel from Mr. Durant's letter that he is fully in sympathy with the engineer and, as a matter of fact, their department is stressing the advisability of employing the experienced engineer who is licensed."

* * *

STUBEN AREA

The Steuben Area Chapter held a regular monthly meeting on April 30th at the Baron Steuben Hotel, Corning. Preceding the meeting, dinner was served to upwards of thirty members and guests among whom were Mayor Hood of Corning and Commissioners James P. Halahan and Charles C. Young.

An unusually interesting and illustrated address was delivered by Mr. W. T. Levitt, technologist of the Corning Glass Works, on "The History of Glass Working with the Blowtorch". Slide pictures were presented of the amazingly beautiful glass reproductions of animals, plants and microorganisms which are on exhibition in the Museum of Natural History in New York and on the Weir Collection at Harvard. The address was warmly applauded.

Dr. D. B. Steinman's suggestion of the formation of an affiliated State Society of Junior Engineers was well received and referred to the Ethics and Practice Committee for study.

It was reported that the results of tests of concrete cured by various methods, which have been conducted by the Grade Crossing Elimination Department at Elmira, will soon be available.

Mr. S. B. Ehrenrich, President of the Chapter, reported that investigations were being made of the statements that students of a Universiy within the county are performing surveying services for a municipality without charge, thus depriving licensed surveyors of opportunities of making a livelihood. These investigations will be vigorously prosecuted and the necessary steps taken to prevent the continuance of such reprehensible practices.

Mr. O. J. Dempster and Mr. Roy Lapp were appointed to serve on the State Society Committee on the Reorganization of County and Municipal Government.

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CHAUTAUQUA-CATTARAUGUS COUNTIES

Mr. R. B. Lyon, Secretary of the Chautauqua-Cattaraugus Counties Chapter has submitted the following interesting report:

"The Chautauqua-Cattaraugus Counties Chapter of the Society held its regular monthly meeting Wednesday, April 11th at the office of the City Engineer in Dunkirk.

We now have 21 of the 48 licensed men of the two counties as members of our chapter. By the end of the year we should have 8 more members the balance not being interested as they are not actively engaged in engineering practice.

The discussion and business of the evening centered about: the appropriation of an additional $400,000,000 of Federal money under P. W. A.; the proposed Junior organization as outlined by Dr. D. B. Steinman at the Rochester meeting; and some cases of violation of the State licensing law in our counties.

On Saturday, April 14 our Board of Directors met in Jamestown and went over the proposed Constitution and By Laws of the State organization. We are strongly in favor of this document as submitted and have sent a letter to the Committee on this matter.

The next meeting is to be held May 9th at the Y. M. C. A. in Jamestown."

* * *

NEW YORK COUNTY

The New York County Chapter is taking the initiative in organizing a cooperative endeavor by the five (5) County Chapters of New York City to make mortgage money more easily available and thus stimulate a revival of construction activity. This is more fully outlined in the following letter, dated April 10th, 1934, which was addressed by Mr. Homer G. Balcom, President of the New York County Chapter, to the Presidents of the other four (4) Chapters in New York City:

"As President of the New York County Chapter, I appointed a committee of which Mr. Edwin Kingsley is Chairman, to study the mortgage market and, if possible, report on something that could be done to ease mortgage money—perhaps, through a Government guarantee of mortgages. I think that this is very vitally essential if we are to have a recovery, for no recovery can be thoroughly complete without a recovery of the entire construction industry.

* * *

WESTCHESTER COUNTY

There was a large attendance at the annual meeting of the Westchester County Chapter which was held in the Court House at White Plains on April 4th. John Avery President, presided at the meeting.

The principal speaker was Mr. Alden E. Bevier, Westchester representative of the New York State Temporary Emergency Relief Administration. Mr. Bevier traced the history of relief work in the state, through the early phases of the work bureau civil works administration to the present arrangement whereby the work of investigating applicants is transferred to the Public Welfare departments, and where the state and federal government contribute 75% of an established quota toward relief. This relief may now take one of three forms, viz: cash relief, home relief and work relief.

Mr. Wayne D. Heydecker of the Westchester County Temporary Work Bureau, supplemented Mr. Bevier's remarks with particular reference to projects in the county on which engineers are employed. Mr. A. R. Platt, Manager of the National Reemployment Service, spoke briefly on the work which the U. S. Department of Labor has been doing in Westchester County. He also offered the services of his office, as an employment bureau, to the Architects' and Engineers' Employees Association, which is now being formed.

The following officers were elected: President, John Avery, Yonkers; Vice-President, Charles H. Sells, Pleasantville; Executive Secretary, Francis J. Laverty, Pleasantville; Recording Secretary, George Wright, New Rochelle; Treasurer, Roy Potter, Mount Vernon; Directors: A. M. Andeson, Yonkers; Howard P. Barnes, Croton; Arthur Boniface, Scarsdale; James M. Duffy, Mamaroneck; George T. MacBeth, Mount Vernon; Chris J. Sheridan, Yonkers; William A. Smith, Tuckahoe.

The personnel of the Standing Committees which have been appointed is as follows:

Membership: Geo. T. MacBeth, Chairman; H. H. Bassford, Jas. M. Welsch.

Publicity & Program: Francis J. Laverty, Chairman; Arthur Benline, Caldwell B. Spates.

Legislation: Ben H. Krey, Chairman; Geo. E. Wright; Kenneth C. Browne.

Engineers Code: Charles H. Sells, Chairman; Frazee L. Belknap, Russell W. Finch.

Ethics: Wm. A. Smith, Chairman; Harold W. Watt, Earl Griffin.

County Water Supply: James M. Duffy, Chairman; Jas. R. Losee, John A. Weyant.

T. E. R. A. Contact: James R. Rundell, Chairman; Jerome N. Lawlor, Harold S. Loughran.

Revision of Constitution: Wm. A. Smith, Chairman; Harold W. Watt, P. V. Ryan, Samuel Gatslick, Theodore Fenner, Chas. MacDonald, Jas. B. Egbert.

Contacting Young Engineers: Harold W. Watt, Chairman; George B. Cornell, M. J. Hartman.

Westchester County Building Code: Geo. J. Seebach.

Architects' and Engineers' Employees Association: Francis J. Laverty, Chairman; Andrew M. Anderson and Geo. E. Wright.

* * *

BROOME COUNTY

Information has been received through the courtesy of Mr. H. F. Eilers of Corning that the following

Engineers and Surveyors are the Charter members of the Broome County Chapter:

Walker B. Lounsberry, John J. Crotty, D. W. Morse, L. R. Post, A. W. Bowie, W. W. Perry, J. R. Westcott, M. S. Harvey, E. J. Quigley, N. H. Phillips, Leo Nyman, John A. Giles, George W. Bradley, Z. B. Phelps, Jr., H. W. Grow, R. T. Bennett, J. R. Frone, R. B. Hoadley, E. E. Stickney.

* * *

RICHMOND COUNTY

Richmond County Chapter paid tribute to its President, Mr. Frederick H. Zurmuhlen in a testimonial dinner tendered to him at the Elks Club, Oakwood, Staten Island on April 17th.

Nearly two hundred guests attended the dinner among whom were representatives from each of the five (5) Chapters of New York City and also from Westchester County and the State of New Jersey. Presidents, Past Presidents, and officers of Chapters were present in such numbers that individual mention of them is impractical. Bronx County Chapter distinguished itself by sending twelve of its apostles as living evidences of that high and friendly esteem in which Mr. Zurmuhlen is held by the Engineers of the northernmost county of the City of New York.

Outstanding among the guests—and the speakers of the evening—were Hon. Edward J. Flynn, Secretary of State and Regional Director of the Public Works Administration; Rev. Brother Jasper, dean of Manhattan College, of which Mr. Zurmuhlen is an alumnus; Mr. Geraud Mack, Secretary of the New Jersey Society of Professional Engineers; Mr. Arnold G. Chapman, President of the New York State Society of Professional Engineers; Dr. D. B. Steinman and Mr. Arthur V. Sheridan, Past Presidents of the New York State Society.

Mr. Flynn, who has intimately known Mr. Zurmuhlen for many years, expressed his admiration for the guest of honor in eloquent and earnest terms. The other guest speakers vied with each other in acknowledging and praising the unselfish, enthusiastic and sustained services which have won for Mr. Zurmuhlen a place among the most prominent representatives of the Engineering profession in the Empire State. Mr. William Merrifield, a director of the Chapter, acted as toastmaster and conducted the proceedings with rare discretion and distinction. At the conclusion of the addresses a handsomely engraved cigarette case was presented to Mr. Zurmuhelen as a memento of the happy occasion.

* * *

BRONX COUNTY

A regular monthly meeting of the Bronx County Chapter held at the Concourse Plaza Hotel on April 5th, 1934, was attended by upwards of fifty (50) members.

Mr. A. V. Sheridan spoke most interestingly on the subject of a revised charter for the City of New York. He stated that the Charter Committee, composed of representatives of the five (5) county chapters of New York City, had decided to adopt, as the basis of its considerations, the splendid report submitted on this subject by the Queens County Chapter. The Chapter is keenly interested in this problem and will contribute thought and suggestions toward its successful solution.

A report was submitted by Raphael J. Smyth on the progress which is being made toward the completion of the Engineers Code. The membership of the Chapter is unanimously of the opinion that the Code must bring "employed" Engineers, who constitute 95% of the profession, within the purview of its consideration and that "Fair practice" regulations must contain provisions which will insure a "fair deal" to them. The Chapter is prepared to exhaust its resources to have this principle established, recognized and observed.

The appointment of the personnel of standing committees was announced as follows:

Membership Committee: J. A. Brunner, Chairman; E. E. Farnan, Wm. A. Smith, Daniel Moore, Rudolph Cook, Jos. L. Brennan.

Legislative Committee: Chas. F. Giraud, Chairman; Theo. Rosen, A. V. Sheridan, R. J. Eagar, J. E. Curtin.

Public Relations: W. E. Addicks, Chairman; Chas. Schaefer, Jr., W. Hauck, A. E. Wheeler, Samuel T. Adams.

Publicity Committee: Harrison Blankstein, Chairman; David Leibowitz, John W. Macauley, E. F. Ebert, Wm. Michels.

Ethics & Practice Committee: Martin M. Corry, Chairman; E. F. Fox, Jr., David A. Plotkin, E. W. Wood, Paul Treutler.

Professional Conduct Committee: Geo. C. Shannon, Chairman; C. E. Attwater, John H. Knight, Rudolph C. Lang, Solon E. Friedeberg.

Special Committee on Chapter Activities: R. J. VanWagner, Chairman; F. A. Rappot, J. J. Cope, J. P. Wohlpart, M. A. Conway, F. Caiola, Leo Hickey, Anthony Arent, Joseph A. Meehan.

The meeting adjourned at 11:30 P. M.

Sustained and enthusiastic interest in the work of Society and Chapter activities has long been a challenging characteristic of the Engineers of The Bronx. This was again strikingly manifested by the voluntary continuation of the meeting by nearly all in attendance who, gathered in small groups after formal adjournment, intimately and animatedly discussed matters of professional interest until past midnight. The maintenance and furtherance of this interest is fostered by the efficient, tactful and forceful guidance of President Mr. Joseph F. Lamb, whose conduct of Chapter progress so splendidly sustains those proud traditions of leadership which are the boast and inspiration of the members of Bronx Chapter.

Incidentally, Mr. Lamb is the chairman of the Committee of Arrangements for the annual meeting which will be held this year in New York City on May 26th. This guarantees, beyond peradventure, that new standards of hospitality will be established during that "after-business" period of relaxation and restoration, when "good fellows get together" to fraternize, vocalize and, perchance, harmonize.

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KINGS COUNTY

A most unusually complete and interesting report of the work of Kings County Chapter during the year 1933-34 prepared by its President, Mr. L. S. Stiles has just been sent. It consists of seventeen (17) pages of matter descriptive of past accomplishments, appearing in full elsewhere in this issue, and suggestive of well-considered procedure for future Chapter development. The following few items of interest have been gleaned from it:

Mr. L. S. Stiles acting as a committee of one waited upon officials of the Telephone Company advocating the adoption of measures which would prevent directory listing of unqualified persons as professional Engineers. Gratifying advice was subsequently received that a decision had been made to eliminate 50% of improper listings and to correct the balance.

Kings County Chapter on the basis of paid-up membership is the second largest Chapter in the State.

Some of its distinguished members are: Mr. Philip P. Farley, Consulting Engineer of the Borough of Brooklyn; Mr. Charles R. Ward, Commissioner of Public Works; Col. Robert Starr Allyn, Deputy Commissioner of Sanitation; Mr. Dean G. Edwards, Chief Engineer, C. W. A.; Mr. Edwin H Thatcher, Commissioner of Buildings; Mr. J. C. Riedel, Engineer of Design, Borough of Brooklyn.

Mr. Roy C. Cram, Secretary of the Chapter, is chairman of the Nominating Committee of the State Society.

The following officers and directors were elected at the Chapter meeting which was held on April 19, 1934:

President, Linford S. Stiles; Vice-President, John C. Riedel; Secretary, Roy C. Cram; Treasurer, Otto Claussner.

Directors for 2 years—Frederick L. Cranford, George A. Dorfman, Erich Hausmann, Benjamin Joachim, Louis G. Nieman, Charles R. Ward.

* * *

NEW JERSEY

The following reports have been received through the courtesy of Mr. Ernest F. Weeks, President of the Passaic County Chapter.

PASSAIC COUNTY

The April meeting of the Passaic County Chapter was held at the Passaic Y. M. C. A. Passaic, N. J., on Thursday evening, April 26th, 1934 with 45 members present.

The E. R. A. was fully discussed by Mr. A. Doolittle, Assistant County Director, who pointed out that soon

only those receiving direct relief will be provided with employment, as the State has only $25,000,000 available for the balance of the year, and normal emergency relief purposes will consume this at the rate of $2,500,000 a month.

A motion was passed to draw up a Charter resolution urging each of the Congressmen and Senators from New Jersey to reinstate the activities of the C. W. A. for the completion of the unfinished projects now started for the purpose of filling in the unemployment gap until the P. W. A. undertakings get started.

Mr. Percy A. Bivans was called upon to give an extemporaneous address on "An Experience of his early Engineering Days." The talk covered his experiences as a young engineer and surveyor on railroad layout work in the mountainous wilds of Mexico. The talk was most interesting and was received enthusiastically by the members. After the address, the meeting was adjourned and coffee and doughnuts were served by the Entertainment Committee.

The next meeting of the Chapter will be held May 26th, 1934 at the Elmwood Country Club. This meeting will be a dinner meeting starting at 6:30 P. M.—Tax $1.00. A rather lengthy program, which should prove of interest to all engineers, is offered for this meeting. Mr. H. N. Hackett of the Turbine Engineering Department of the General Electric Company will address us on "The Mercury Boiler." Col. Hugh A. Kelly, newly elected president of the State Association has promised to attend and give us a short talk. The newly elected officers of the Chapter will also be installed into office on that night.

* * *

ESSEX COUNTY

The annual meeting of the Essex County Chapter was held in Anderson's Banquet Hall, East Orange, N. J., Thursday evening, April 12, 1934 with 28 present.

Officers for the coming year were elected as follows:

President, Mr. E. S. Rankin, Chief Engineer, Bureau of Sewers, City of Newark; Vice-President, Mr. S. C. Hamilton, Jr., of the Essex County Engineer's office; Treasurer, Mr. P. H. Glannon of the Commonwealth Water Co., West Orange; Trustees, Mr. J. H. Philips, Chief Engineer of Essex County Park Commission and Mr. Ellsworth Francisco, Lighting Engineer, City of Newark.

All of the newly elected officers have been active in the Chapter since its formation. Mr. Rankin has just completed a term as vice-president, Mr. Hamilton has served as treasurer for the past four years. Mr. Glannon, Mr. Philips, and Mr. Francisco have served on various commitees from time to time.

Mr. J. J. Del Bourgo, Consulting Engineer of Newark, presented some very interesting correspondence he has had with executives of the Civil Works Administration in Washington, regarding rates of pay for engineers and architects employed by the Administration. Mr. Del Bourgo's letter protesting the low rates of pay drew a reply thanking him for his offer of cooperation. In all the correspondence not one of the letters from the Administration mentioned the rates of pay. After the reading of the communications a number of those present took part in the discussion that followed. All were opposed to the low rates that have been established, and all praised Mr. Del Bourgo for his splendid effort in behalf of the engineers employed by the Civil Works Administration.

The Entertainment Committee presented Mr. Robert L. Hatfield, Consulting Engineer of Newark, an active member of the Chapter who gave a very interesting address on the subject of "As I See It."

Those present agree that this was one of the most interesting meetings of the season.

The Chapter's final meeting of the season will be held Thursday, May 10, 1934.

* * *

AGAIN THE ENGINEER LOSES

P. W. A. Rates Reduced

Efforts to secure adequate compensation for Engineers engaged on Public Works prosecuted with federal funds seemed for a time destined for success.

The original proposal, approved by Administrator Ickes, and which appears in some contracts, was as follows:

> Engineers, architects and other professional and sub-professional employees engaged on the project shall receive the prevailing local rates for the various types of service to be rendered, except that in no case shall they receive less than the hourly rates set for the highest paid class of skilled labor directly employed on the project.

A later proposal, as revised by Washington, sets forth that:

> Engineers, architects and other professional and sub-professianal employees engaged in duties normally done at the site of the project shall receive at least the prevailing rates for the various types of service to be rendered, provided that in no case shall professional employees receive less than $36.00 weekly compensation for 40 hours or less irrespective of the number of hours employed. Where the working week is longer than 40 hours, weekly compensation shall be increased proportionally. Compensation under this paragraph shall be subject to the approval of the Government Engineer.

Efforts to restore the original statement are being made.

* * *

Constitution and By-Laws

(Continued from Page 10)

mittee shall elect its own chairman and shall have its report in the hands of the Executive Secretary five weeks prior to the day on which the Annual Meeting is to be held. Nominations, other than those of the committee, shall be in order at all times and, if supported by a written request of fifty members, shall be printed on the official ballot.

Section 5. An Audit Committee of three members shall, each year, be appointed by the President during the month of January. This Committee shall report, at the Annual Meeting, on the condition of the books and records, of the Executive Secretary, of the Financial Secretary, and of the Treasurer. The period covered by this report shall be the previous fiscal year.

Section 6. Special Committees shall be appointed by the President as required. He shall determine the size thereof and shall name the chairman.

ARTICLE VII

DUES

Section 1. Dues shall be as provided in the By-Laws and shall be collected by the county chapters.

Section 2. Licensees of the State who neither reside nor practice in the State of New York; and, prior to January 1, 1937, members without chapter affiliation, or residents of a county in which no chapter has been chartered, shall pay dues directly to the Financial Secretary of the State Society.

Section 3. A member elected in more than one chapter shall be required to pay to the State Society only the same per capita dues as if elected a member of one chapter. The chapter in which a member shall first qualify and maintain membership, shall collect and transmit to the Financial Secretary the annual Society dues; chapters electing subsequently shall collect only chapter dues.

Section 4. The payment of Life Dues can be made in a lump sum as determined by the Executive Board. This lump sum, however, shall not be less than that sufficient to yield the extant dues of the State Society, plus the chapter dues through which the member joins, when figured as bearing interest at five per cent.

Section 5. For money paid into the treasury for the underwriting of the State Society, the State Society and a chapter thereof may grant the privilege of Life Dues for a lump sum of one half that provided in Section 4 of this Article.

Section 6. Upon payment, Life Dues shall be apportioned between the chapter and the State Society in proportion to their respective dues.

Section 7. Life Dues may be paid in several chapters, but shall not be transferable between chapters. Life Dues may be paid in the State Society and Annual Dues in a county chapter; but failure, for a period of more than one year to maintain good standing in a county chapter, shall void membership in the Society, and no portion of such dues shall be returnable except in case of expulsion, in accordance with Section 8 of this Article.

Section 8. The payment of Life Dues

shall not void the right of any chapter or of the State Society to expel from membership for cause. Upon expulsion a refund shall be made to the expelled member of the original lump sum payment, less one half of all chapter and Society dues and assessments accumulated from the date of Life Dues payment to the date of expulsion.

ARTICLE VIII

Good Standing

Section 1. A member shall be considered to be in good standing until dues are in arrears for one full year, unless declared, by the Executive Board of the Society, to have lost good standing because of unethical conduct.

Section 2. Only members in good standing shall be allowed to vote.

Section 3. Six months after a member has lost good standing, he shall be notified by his chapter; or if not a chapter member, by the Financial Secretary of the State Society, that his name will be dropped from the membership roll unless he reestablish good standing within six months.

Section 4. The Executive Board, upon the request of a Chapter President, or of the Financial Secretary of the Society, shall be empowered to extend special consideration and to waive Sections 1, 2 and/or 3 of this Article, for good cause, in particular cases.

Section 5. A member, having been removed from the membership roll for non-payment of dues and/or assessments, shall be returned to good standing only upon payment of current dues as specified in the By-Laws, and in addition such reinstatement fee as the Executive Board shall, from time to time, determine.

Section 6. A member in good standing may transfer from one county chapter to another, by requesting that the secretary of the chapter from which he transfers forward a statement of his good standing and a copy of his application to the secretary of the chapter to which he desires to transfer. His dues in the chapter to which he is transferred shall become payable at the expiration of the time to which dues, already paid, apply.

ARTICLE IX

Codes

Section 1. The Code of Ethics adopted by the Society upon recommendation of the Executive Board, and any amendments thereto, shall be binding on all chapters. Amendments to the Code of Ethics shall follow the same procedure as provided in Article XII for amendments to this Constitution.

Section 2. The several chapters shall adopt Codes of Practice suitable to the districts for which their charters have been granted.

ARTICLE X

Conduct of Chapters

Section 1. Each chapter chartered by the Society shall adopt such constitution and by-laws for its internal government as it may deem proper; provided, however, nothing therein shall conflict with or contravene the Constitution and By-Laws of the Society.

Section 2. Chapter Constitutions, By-Laws, and Codes of Practice, or any amendments thereto, shall not become effective until approved by the Executive Board of the Society.

Section 3. Chapters shall engage in such activities as are consistent with professional ideals and ethics and are conducive to public welfare. Such activities shall be restricted to the county or counties for which the chapter is chartered, except as the Executive Board may authorize.

Section 4. Chapters shall collect, from their respective memberships, all dues and assessments payable to the State Society; and, in addition, may fix and collect such chapter dues as they shall determine necessary for their chapter activities and administration, as provided in chapter constitution and/or by- laws.

Section 5. It shall be the duty of each chapter to transmit to State Headquarters or to the Society's duly designated officer the following: All State Society dues, within thirty days after their receipt; the names and addresses of newly elected, expelled, suspended, or deceased members, at once; a report, for publication, of chapter progress and activities, monthly; and the notices of all meetings and elections.

Section 6. A Chapter intending to present a resolution for a vote at any meeting of the State Society, shall mail copies of such resolution to all other chapters and to State Headquarters, with a synopsis of the subject, at least three weeks prior to the meeting; or to the Resolutions Committee and to State Headquarters at least four weeks prior to the meeting.

Section 7. Authority to reprimand members, to suspend from membership temporarily, or to expel from membership shall be vested in the several chapters; provided, however, that in expulsion cases action shall be after approval by the Executive Board of the State Society. Chapters may conduct investigations, hearings, and trials, review of which shall be as provided in the By-Laws.

ARTICLE XI

Elections

Section 1. All Officers shall be elected annually and shall hold office for one year or until their successors are chosen. Eight Directors shall be elected each year for a term of three years.

Section 2. All elections shall be by letter ballot. Ballots shall be mailed at least two weeks prior to the date of the meeting at which the election is to be held.

Section 3. A plurality of all votes cast by ballot shall be necessary to elect to any office.

Section 4. Upon the death, resignation, or removal of any Officer or Director, the Executive Board may fill the vacancy until the next annual election.

ARTICLE XII

Amendments

Section 1. This Constitution may be amended by letter ballot provided, however, that such amendment shall have been presented to the Executive Board in writing and that, a majority of the Executive Board having approved of the amendment, it shall have been submitted to the Society for decision at least two weeks prior to the date set for the closing of ballots. A two-thirds affirmative vote, with not less than twenty percent of the membership voting, shall be required to amend this Constitution or any part thereof.

Section 2. When a proposed amendment is presented to the Executive Secretary in writing and signed by ten percent of the membership in good standing, approval of the Executive Board shall be unnecessary before submision to the Society, in accordance with Section 1 of this Article.

Section 3. Amendments to this Constitution or any part thereof shall become effective immediately upon approval as provided in Section 1 of this Article.

BY-LAWS

ARTICLE I

Fiscal Year

Section 1. The Fiscal Year of the Society shall be from January first to December thirty-first.

ARTICLE II

Meetings

Section 1. REGULAR. The Society shall regularly convene three times annually at the call of the President. Such meetings shall take place as follows: Once during the winter season, once during the spring season, and once during the autumn season. The Executive Board, by a three fourths vote, may combine the autumn meeting with the winter meeting when it so desires. The location of these meetings shall be determined by the Executive Board.

Section 2. SPECIAL. Special meetings shall be called by the President at the request of the Executive Board, or upon the written request of twenty-five members, or may be called upon his own volition. The purpose of such meetings shall be set forth in the notice to members; and no business, other than that for which the meeting was called, shall be transacted.

Section 3. ANNUAL. The spring meeting shall be known as the Annual Meeting. The date and location of such meeting shall be determined by the Executive Board.

Section 4. QUORUM. For the purpose of transacting the business of the Society a quorum of fifty members shall be required.

Section 5. RESOLUTIONS. At any meeting of the Society all resolutions shall be presented by the Resolutions Committee and shall not be in order unless a copy shall have been mailed to each county chapter, and to State Headquarters, at least three weeks prior to the meeting; provided, how-

ever, that matters presented less than three weeks prior to the meeting may be considered and acted upon with the specific consent of three fourths of the members present.

Section 6. ORDER OF BUSINESS. The order of business for regular meetings shall be:

1. Reading of Minutes.
2. Reading of Communications.
3. Financial Report.
4. Reports of Committees.
5. Unfinished Business.
6. New Business.
7. Adjournment.

The order of business for the Annual Meeting shall be:

1. Roll Call of Officers.
2. Reading of Minutes.
3. Reading of Communications.
4. Reports of Officers.
5. Reports of Committees.
6. Unfinished Business.
7. Election of Officers.
8. Installation of Officers.
9. New Business.
10. Adjournment.

ARTICLE III

Officers

Section 1. PRESIDENT. It shall be the duty of the President to preside at all meetings of the Society. He shall be, ex-officio, a member of all committees. He shall, subject to the Executive Board, have general direction of the business of the Society.

Section 2. VICE-PRESIDENTS. In the absence of the President or in case of his inability to act, it shall be the duty of one of the Vice-Presidents, in order of precedence, to perform all the duties of the President.

Section 3. THE EXECUTIVE SECRETARY. The Executive Secretary shall keep an accurate record of proceedings of the Society, of its membership and of the licensees of the State; shall conduct correspondence; and shall have custody of all official papers and records, subject to direction of the Executive Board. He shall report quarterly to the Executive Board. In the absence of the President and Vice-Presidents, he shall call the meeting to order and call for a motion for the election of a President, pro tempore. He shall issue all calls and notices ordered by the President or the Executive Board. He shall have such other duties and prerogatives as the Executive Board may assign to him. At the Annual Meeting he shall submit a written report covering the duties and activities of his office including a statement of the membership of the Society. He shall receive such salary and shall have such assistants as the Executive Board may determine. At the expiration of his incumbency he shall turn over to his successor or to the Executive Board all books, documents, and other property of the Society in his custody, receiving a receipt therefor.

Section 4. FINANCIAL SECRETARY. It shall be the duty of the Financial Secretary to keep a correct account with each and every chapter of the Society and, where required, with individual members not identified with chapters. He shall pay to the Treasurer, at least every two weeks, all moneys collected, and the Treasurer's receipt shall be his voucher therefor. He shall notify all members, not identified with chapters, that may be in arrears for dues. He shall render quarterly reports to the Executive Board of the receipts of the preceding quarter and of the amounts outstanding, and such other information as may be required. His books shall be open for examination at such times as the Society, the President, or the Executive Board may request. He shall receive such salary and shall give such bond to secure the faithful discharge of his duties, as may be determined from time to time by the Executive Board. The fee for such bond shall be paid out of the treasury of the Society. At the expiration of his term of office he shall turn over to his successor, or to the Executive Board, all books, papers, and money belonging to the Society, taking a receipt therefor.

Section 5. TREASURER. It shall be the duty of the Treasurer to receive and disburse all moneys and keep the records of account of the Society, making a quarterly report of the receipts and disbursements to the Executive Board and an annual report to the Society. He shall receive such salary and shall give such bond to secure the faithful discharge of his duties, as may be determined from time to time by the Executive Board. The fee for this bond shall be paid out of the treasury of the Society. At the expiration of his term of office he shall turn over to his successor, or to the Executive Board, all books, papers, and money belonging to the Society, taking a receipt therefor.

ARTICLE IV

Executive Board

Section 1. The Executive Board shall have general supervision of all matters pertaining to the Society. Nine members of the Executive Board shall constitute a quorum. Between regular meetings it shall have the power to act for the Society whenever an emergency arises.

ARTICLE V

Committees

Section 1. ETHICS AND PRACTICE. The Ethics and Practice Committee shall formulate and define codes of ethics and of practice for the guidance of the profession, shall pass upon complaints relating thereto, and shall devise ways and means for the enforcement of such codes. It shall have authority to supervise proceedings and make recommendation to the Executive Board in connection with the ethics and practice activities of chapters. It shall also have authority to review investigations, hearings, and trials conducted by chapters in connection with matters pertaining to ethics and practice and also those of a grievance nature. Its findings and recommendations shall not impose any obligations upon a chapter except in cases where the actions of a chapter have not been in conformity with the Constitution, By-Laws, or Codes of the Society, and then only upon approval by the Executive Board. Its findings shall be transmitted to the Executive Board for consideration and action.

Section 2. LEGISLATIVE AND ENFORCEMENT. The Legislative and Enforcement Committee shall have jurisdiction over all matters relevant to legislation, law enforcement, and legal protection of the rights and interests of the Society and of the individual members. Its reports shall be transmitted to the Executive Board for consideration and action, unless otherwise empowered.

Section 3. PUBLIC RELATIONS. The Public Relations Committee shall serve as a contact committee between the Society and the general public, the press, other engineering societies, civic associations, and other groups. Matters arising outside of the Society or its chapters, requiring committee study before action, shall be referred to it. Its reports shall be made to the Executive Board for consideration and action.

Section 4. MEMBERSHIP. The Membership Committee shall investigate and report, with recommendations, upon all petitions for the formation of chapters. It shall investigate and report, with recommendations, upon the credentials of applicants for membership in the Society, without chapter affiliation. It shall at all times seek to expand the membership and shall have the authority to make recommendations to, and to supervise, the membership activities of chapters. It shall report to the Executive Board.

Section 5. CHAPTER ACTIVITIES. The Chapter Activities Committee shall encourage and assist the chapters in the arrangement and accomplishment of activities which will redound to the benefit of the Chapter, the Society, and the Community. It shall report to the Executive Board.

Section 6. PUBLICATIONS. The Publications Committee shall approve and edit all material intended for publication in Society publications. It shall prepare periodically a publication which will give in an abridged form the various activities and achievements of the Society for the period covered. All material for this publication may be subject to the approval of the Executive Board. The printing of the publication or any part thereof may be postponed, modified, or cancelled by the Executive Board. A copy of this publication shall be sent to every member of the Society.

Section 7. RESOLUTIONS. The Resolutions Committee shall receive from any chapter or chapters or from a member or members of the Society resolutions to be presented at a meeting of the Society. These it shall edit, or redraft if necessary, subject to the approval of the makers; and shall forward a copy to each county chapter and to State Headquarters at least three weeks prior to the meeting. It shall also present resolutions by "specific consent," in accordance with Article II, Section 5 of these By-Laws.

Section 8. SPECIAL COMMITTEES. Special Committees shall be appointed by the President when occasion de-

mands and as provided in the Constitution.

Section 9. QUORUM. A majority of any standing or special committee shall constitute a quorum thereof.

ARTICLE VI

Dues and Assessments

Section 1. DUES. The dues of the Society shall be Five Dollars per annum, due and payable at the beginning of the fiscal year. Members elected, or reinstated, during the fiscal year shall pay proportionate dues referred to the previous quarter year.

Section 2. ASSESSMENTS. Assessments shall be entirely discretionary with the membership, shall be voted upon by letter ballot, and shall be considered only upon written recommendation of the Executive Board or of twenty-five members. The details of such assessments shall be determined at the time the matter is presented for consideration, and shall be set forth in the letter ballot. A two-thirds affirmative vote, with at least twenty per cent of the membership voting, shall be necessary to authorize levying of the assessment.

ARTICLE VII

Obligations

Section 1. HOW INCURRED. No obligations, except incidental expenses, shall be incurred and no continuing obligations entered into without a two-thirds affirmative vote of those present and voting at any meeting of the Society or of the Executive Board.

Section 2. HOW PAID. The payment of all obligations shall be approved by the Executive Board, and all checks and vouchers shall be signed jointly by the President and the Treasurer.

ARTICLE VIII

Amendments

Section 1. These By-Laws may be amended by the membership of the Society at any meeting, provided that such amendment shall have been approved by a majority of the Executive Board. The Executive Secretary shall, upon such approval, mail a copy of the proposed amendment to the membership of the Society, with a notice of the meeting. A two-thirds affirmative vote of the membership voting shall be required to amend these By-Laws or any part thereof. A particular section of these By-Laws may be suspended by unanimous consent of the members present at any meeting for a single, stated purpose.

Section 2. When a proposed amendment is presented to the Executive Secretary in writing and signed by twenty-five members in good standing, submission by the Executive Secretary to the membership, without approval of the Executive Board, shall be mandatory.

Section 3. Upon the attainment of a two-thirds majority at any meeting, any amendment to these By-Laws shall become effective immediately.

The Code Again Revised

(Continued from Page 4)

ARTICLE II

Administration

Section 1. A Divisional Code Authority, hereinafter referred to as "the Engineering Code Authority," is hereby constituted to administer this Code within this Division.

Section 2. (a) The Engineering Code Authority shall consist of eleven (11) members, each of whom shall be individually representative of Members of this Division, and this Engineering Code Authority shall be appointed through the following associations by their executive committee members who are individually representative of Members of this Division. The American Institute of Consulting Engineers, the American Society of Mechanical Engineers and the American Society of Heating and Ventilating Engineers shall each appoint one member of the Engineering Code Authority, and the American Society of Civil Engineers shall appoint five (5) members of the Engineering Code Authority representative of the Professional Engineering Method of practice in five (5) principal branches and three (3) members representative of the Engineer-Construction Method of practice. If the Administrator shall find that there are sufficient non-members of the afore-mentioned associations so that such non-members are entitled to representation on the Engineering Code Authority, he may appoint one additional member to the Engineering Code Authority from, and to represent, such non-members of associations. The eleven (11) members of the Engineering Code Authority shall be subject to the approval of the Administrator.

(b) The terms of the appointments shall not exceed two years except that in the event of Code continuance beyond the limit now established by law, the terms may be readjusted to insure overlapping tenures of office pursuant to a plan or method approved by the Administrator. Members are subject to replacement by the appointing agency with the approval of the Administrator.

Section 3. (a) The Engineering Code Authority is authorized under the supervision of and in cooperation with the Construction Code Authority in the exercise of the power conferred upon it in Section 2 (d) of Article IV A of Chapter I to require the registration in such manner and at such time as it may deem appropriate of all contracts for engineering service for which the charge is estimated to exceed four hundred dollars ($400.00); and, in order to defray the expenses of such registration, of the collection of the reports and the data therein required and of the administration of this code, to charge and collect from Members of this Division as a registration fee not to exceed one-half of one percent of the amount of the charge for engineering services, except that the Engineering Code Authority may establish a minimum fee not to exceed five dollars ($5.00). Except as many be required for the effective enforcement of the provisions of this Code, the registration of contracts of Members of this Division shall be confidential and in their registration there shall be required only essential data such as, date, parties to the contract, location of the work, type of engineering service and approximate charge for engineering service.

(b) Failure to pay any such registration fee within thirty (30) days of the receipt of due notice thereof shall constitute a code violation provided the Administrator shall have approved an itemized budget of estimated expenses of the Engineering Code Authority and the registration fees as provided for above, and provided no protest of such fee has been filed by the member within fifteen (15) days from the date of notice thereof with the Engineering Code Authority or the Administrator, or that such protest has been filed and has been overruled by the Administrator.

(c) From the funds so collected the Engineering Code Authority shall defray its expenses, such expenses as it may approve of any agencies appointed by it and this Division's proportionate share of the expenses of the Construction Code Authority, in administering this Code, in accordance with a budget of expenses approved by the Administrator.

ARTICLE III

Fair Practices

Section 1. The provisions of Sections 2 to 12 inclusive of this Article are adopted as rules of fair practice for all Members of this Division, and any violation of said rules shall constitute an unfair practice and a violation of this Code.

Section 2. For the purpose of administering the provisions of this Code and for the protection of the client and the Member of this Division, each Member of this Division before proceeding with an engagement for engineering services, for which his charge for engineering services is estimated to exceed four hundred ($400) dollars, shall enter into a written contract or agreement with the client for said engineering services. Such agreement shall be kept by the Members of this Division for the purposes recited in Chapter I of this Code.

Section 3. No Member of this Division shall give or offer to give any rebate, discount, bonus, fee, commission or other valuable consideration to a client, or to a prospective client, in order to influence or procure an enany competitive engineering services.

Section 4. No Member of this Division shall accept an invitation to submit a proposal for his services where such invitation has been issued by advertisement, or by any other method which indicates that price will be a principal basis for selection, except as otherwise required by law.

Section 5. Subsequent to the selection of a Member of this Division for engineering services as evidenced by a written agreement, and so long as such an agreement is in effect, no other member shall offer to provide any competitive engineering services.

Section 6. (a) No Member of this Division shall issue or permit to be issued on his behalf plans and/or specifications without the signature of the engineer under whose direction the plans and/or specifications are prepared, conspicuously subscribed thereto, as evidence of the engineer's technical responsibility for their preparation and use.

(b) In all engineering services as defined in Article I, where individuals are placed in positions supervisory of the engineering, and/or in positions from which the principles of the engineering may be dictated, such individuals shall be engineers. Delegation of authority by engineers so placed shall be only to engineers or engineering assistants.

(c) The term "engineer" as used in connection with this Code shall mean any individual whether or not he be a Member of this Division; who is engaged in the functions described in Section 1 of Article I; and who is registered or licensed in accordance with the provisions of law to practice engineering, or any branch thereof, within any state or territory of the United States; or who is admitted to or is eligible by reason of technical training for admission to membership in established national professional engineering associations in a grade which requires, as a condition of membership, active practice in engineering for not less than eight (8) years, with evidence of competency to be placed in responsible charge of engineering; active practice and responsible charge of engineering to be construed as fulfilled only when embodying the design of engineering works and/or the direction of engineering functions.

d) The term "engineering assistant," as used in connection with this Code shall mean any individual, not qualified as an "engineer" as hereindefined, who is employed to render technical or other services of a professional nature under the direction of an engineer.

Section 7. If the character of the work requires architectural, or specialized engineering, or other technical services, supplementary to those normally rendered by the Member of this Division it is his duty to employ or recommend for employment by or on behalf of the client such specialists and to coordinate their work.

Section 8. No Member of this Division shall submit his designs or drawings and/or specifications for contractors' bids until he has developed adequate preliminary information and essential pertinent data. Such designs or drawing and/or specifications shall be complete and sufficient so that it will be unnecessary for any contractor or other person to complete or to provide further engineeing services except shop or working drawings and engineering services necessarily adjunctive to the operations of a contractor in performing the work called for by engineering plans and/or specifications. A Member of this Division shall observe fairness in making known all the requirements for the work for which he is responsible to all bidders alike and shall furnish adequate information to all bidders.

Section 9. (a) No Member of this Division shall acquire, own, or otherwise benefit by the purchase, sale, or ownership in any real estate, or business interest which may be affected by an engineering work for which he shares responsibility, except with the full knowledge and consent of his client.

(b) No Member of this Division shall accept compensation or other valuable consideration from any source connected with the work, other than from his client, except with the full knowledge and consent of his client.

Section 10. No Member of this Division shall specify, direct, invite, or accept engineering designs, studies, sketches or inspection of construction materials from a contractor, sub-contractor or supplier of materials, interested in the work or in the bidding on any element of the work, where such services are the responsibility and duty of the Member of this Division. This does not prohibit the acceptance of the customary shop and working drawings for the work, nor conferences with contractors, sub-contractors or suppliers of materials concerning designs or details of construction, nor the use of technical trade information issued by producers, nor does this prohibit any member operating under the Engineer-Construction Method from full cooperation with his construction or operating organizations and/or with any member practicing under the Professional Engineering Method.

Section 11. (a) No Member of this Division shall make a charge to the client for engineering services at less than the cost of such services as determined in paragraph (b) of this section. This provision is not for the purpose of indicating the fair or proper charge, but is for the purpose of setting a minimum limit below which charges shall not be permitted for engineering services.

(b) Cost shall be considered as the actual cash expenditures chargeable to the engineering services in question, plus charges for the services of the principals for the time they actually spend on the engineering services at an adequate rate and not less than the highest salary paid to any member of the orgnization or employee actually engaged on the engineering services in question, plus cost of specialists employed by the Member of this Division, plus overhead applied to the payroll cost and charges for principals' services; the overhead factor to be determined by a method prescribed by the Engineering Code Authority and approved by the Administrator, and to include all items of office expense such as the clerical force, insurance and rent, and a proper share of engineering and other payroll costs and of expenses not assignable to definite engagements, and to include a proper share of the cost of the principals' time not assignable to definite engagements to compensate for the readiness to serve and the professional responsibility assumed. Prior to such prescription by the Engineering Code Authority a resonable overhead factor shall be determined by each Member of this Division from his own cost records.

(c) Since it is often imperative that a client determine in advance of operations definite limits of cost, including cost of engineering services, in order to conform to an appropriation or to permit financial arrangements, a member, without violating Paragraph (a) of this section, may agree in advance to a percentage or lump sum, when such charges by the member are in accordance with charges which are authoritatively established for such services or when such charges represent an honest effort to meet the conditions of Paragraph (b) of this section.

(d) No Member of this Division shall represent that he will provide, nor shall he provide, engineering services free or at less than cost as defined in paragraph (b) of this section, except that he may provide without charge preliminary advisory services prior to an engagement provided the recipient of these services has expressed the intent to engage the member's further engineering services if and when such further services are required for the anticipated construction with which said preliminary services are concerned. In the event that such further services are engaged, the charge shall include a proper charge for the preliminary advisory services.

Section 12. No Member of this Division shall misrepresent the character of his engineering services or those of a competitor, make an unfair or untrue statement as to a competitor, or take action tending to induce cancellation of a competitor's contract or agreement.

ARTICLE IV

Reference to Provisions of Chapter I

The provisions of Section 7 (a) and 10 (b) of the Act, which are set forth in Sections 1 and 6 respectively of Article VIII of Chapter I of this Code, are specifically incorporated herein by reference with the same force and effect as if set forth herein in full; all other provisions of Chapter I of this Code, except as herein provided, apply within this Division with the same force and effect as if set forth herein in full.

ARTICLE V

Review of Acts of the Engineering Code Authority

If the Administrator shall determine that any action of the Engineering Code Authority or any agency thereof may be unfair or unjust or contrary to the public interest, the Administrator may require that such action be suspended to afford an opportunity for investigation of the merits of such action and further consideration by the Engineering Code Authority or agency pending final action which shall not be effective unless the Administrator approves or unless he shall fail to disapprove after thirty days' notice to him of intention to proceed with such action in its original or modified form.

ARTICLE VI

Modifications

Subject to the provisions of Section

2, (c) of Article IV, B, of Chapter I of this Code, the provisions of this Chapter, except as to provisions required by the Act, may be modified on the basis of experience or changes in circumstances, such modifications to be based upon application to the Administrator and such notice and hearing as he shall specify, and to become effective on his approval.

ARTICLE VII

EFFECTIVE DATE

This Chapter of this Code shall become effective on the 30th day after the approval of this Chapter pursuant to the Act.

* * *

Change in Attitude of the Profession to Engineering Schools

(Continued from Page 5)

physical theories and their mathematical representation; and of course, during the early stages of this change some engineers who had been trained in the older empirical fashion raised that issue of theory versus practice which was still being debated when this Society was young.

The story of the development of all branches of science during the latter part of the nineteenth century and continuing to the present time is one of the most fascinating of all chapters in the long history of humanity. Professor A. N. Whitehead says that of all the great inventions which were the fruit of this outburst of the scientific spirit, the greatest was "the invention of the method of invention"—that is, through systematic research. Research—with the accent both on the first and second syllable—became the order of the day not only in the colleges and universities where it was pursued for its own sake, but in industry where it was found to pay. There was reciprocal action and reaction between the faculties of engineering schools and those of their alumni who assisted in the technical development of industrial processes. As the technical schools grew in size, in quality of instruction, and in prestige, their graduates came to constitute a very considerable part of the active membership of the national societies which represent the engineering profession. It is therefore natural enough that the voluminous literature on engineering education to be found in the published transactions of these societies places increasing emphasis upon the importance of sound training in basic sciences. The late Dr. Steinmetz once summed up current views by saying in effect that the schools should concentrate upon those essentials which cannot be learned effectively under the pressure of daily routine in the outside world.

Presently, however, a new note appeared in the symphony of advice to which engineering faculties listened attentively and sympathetically. Industrial establishments, as they grew to ever larger proportions, found it increasingly difficult to manage their activities along the old familiar lines. The importance of the human element emerged as a factor to be taken into the reckoning.

In the course of the survey undertaken under the auspices of this Society and the Carnegie Foundation, and in which the national engineering societies co-operated, there was promulgated the striking conclusion that the primary educational aim should be the development of the intangible elements of integrity, character, and those personal qualities essential to leadership, and that training in factual knowledge should be secondary. This conclusion certainly marks a profound change in the attitude of the profession as contrasted with that which prevailed forty or fifty years ago. It is a change to which the public at large subscribes to a greater or lesser degree. I recall an editorial that appeared some twenty years ago in an influential metropolitan newspaper commenting upon a report of the then Chief of Engineers of the U. S. Army concerning a proposed 14-ft. channel in the Mississippi River. General Bixby had included in his report not only a presentation of the engineering aspects of the plan but also a discussion of its economic implications. The editorial writer of that time berated the General for overstepping his jurisdiction; for, he maintained, it is the function of the engineer to deal with technical feasibility and construction details, leaving to business men and their legislative representatives the decision as to whether such a project was or was not in the public interest. It is interesting to add that the same newspaper, in an editorial printed just a few months ago, took quite the opposite view, stressing the point that engineers and scientists, having done much to get the world into an economic mess, share the responsibility of getting it out again.

This outline has briefly sketched the changes which are of importance to us as teachers of engineering. I have described them as they appear to me; others may look at them from a different angle, but in any event there has been a marked change in the period under discussion, and we would probably all agree that the end is not yet: that a new shift of emphasis is impending. It is, I believe, a fair statement that engineers as a group have been the hirelings of the business world, doing the bidding of leaders whose background has been neither scientific nor social, and whose scale of values has been expressed in terms of the amount of money to be made in business. Here and there exceptions to this general rule have occurred, and it is also true that in recent years business executives of great ability have come in increasing numbers from the engineering ranks. But in the main the great bulk of business has been unethical in the sense that it has not been motivated by considerations of social justice, and the engineering profession has played the game without conscious thought of the social and economic consequences of its contribution. This I maintain notwithstanding the classical definition that engineering is the art of directing the forces and materials of nature for the use and convenience of mankind; for while engineers have designed and built the mechanisms which in the aggregate spell an imposing industrial civilization, neither they nor the promoters who willed it into being gave due thought to its effective use for the greater happiness of humanity as a whole, as the events of the last four years have rather conclusively demonstrated. The dominant motive throughout has been that of profit over and above a fair return. Mr. Raskob described the case very completely and very tersely when he spoke of the attractiveness of the "profit side of business." But now there has appeared above the business horizon the dark cloud of the law of diminishing returns, most distasteful to men who always thought of the curve of progress as a thing forever rising, with no such disturbing characteristics as points of inflexion or maximum. Most disturbing of all, there is a dim but growing perception that in the field of finance, as in the scientific laboratory, there is an inexorable law of conservation: That it is not possible, indefinitely, to take out of a system more than is put in. How long that chastening lesson will last it is difficult to say, for the gambling instinct in the human animal is both ancient and powerful. It seems to me that the engineering profession can render effective public service by driving home the lesson we have all been getting in the recent past.

It is my hope that the profession as a whole will envisage its mission in terms of a wider and more responsible public service. The schools of engineering can lead the way, or at least assist in the process, by emphasizing to students the deep significance of the work they will be called upon to perform in their subsequent careers. No material changes in curricula are necessary to bring this about. It is a point of view that is to be inculcated, or, if you like, indoctrinated. Such a program is a vital step in the building of a new social order, the exchange of an outmoded scale of values for one in keeping with the grandeur of the civilization that it is in our power to build. It calls for strong and wholesome personalities in the teaching profession, for teachers of wide reading, sufficient experience with affairs, and broad tolerance. No faculty is ever likely to have more than a few such demigods at a time; but a few of them, or even one, will in time leaven the lump.

In conclusion, let me express the hope that those engineering schools which are located in urban centers will make increased use of their opportunities to interest members of the engineering profession in extension courses, or post-graduate courses of a kind which engineers will more and more need to pursue. They need to know more about economics, more about sociology; but behind these lie all the great fields of history and literature for which there is, alas, no room in the crowded under-graduate curriculum, and without which no one is truly equipped to sense the drift of things. Adult education for engineers offers a way out of the difficulties which all makers of curricula understand; is it too much to hope that the profession as a whole, through its national societies, will support such a movement?

Synopsis of Practice Act

(Continued from Page 6)

York State Society of Professional Engineers, 2952 Grand Central Terminal, New York City.

Membership in Engineering Societies—Membership in recognized engineering societies does not in any manner relieve the individual of the necessity of securing the State license.

Licenses in Other States—A New York State license is highly respected by the Boards of Examiners of other States and will facilitate the securing of licenses in other States. Similarly, licenses from other States are given due consideration by the New York State Board. An Engineer practicing in several States is advised to secure a certificate of qualification from the National Bureau of Engineering Registration. An Engineer licensed in one State is permitted to practice in other States for a limited period without registration.

Official Roster—The State Education Department publishes annually an official roster of licensed Professional Engineers. Consult this roster to ascertain who are legally qualified to accept engineering appointments or engagements or to call themselves "Engineers."

Unlicensed Engineers—Any qualified engineers who are not yet licensed should promptly apply for a license. Their failure to do so interferes with the check-up and vigorous enforcement of the law against the unqualified. Licensed engineers who fail to renew their licenses annually also hamper the agencies of enforcement. Qualified men who have neglected to comply with the law should not take it amiss if their names are included in lists of violators; such inclusion is unavoidable in the check-up of those who call themselves "Engineers." Qualified men can save themselves embarrassment and cooperate with the aspirations of their Profession by prompt compliance with the Licensing Law.

Cooperate with the Engineering Profession—If you are an Engineer, secure a license. If you are not licensed, stop using the designation "Engineer." If you are licensed, renew your license annually so that your name may continue to be recorded in the official roster. Report any violations to the State Education Department or to the State Society of Professional Engineers. Cooperate with the Engineering Profession.

The State Society of Professional Engineers has County Chapters practically throughout the State, and the officers of these County Chapters will be glad to supply additional information or advice.

N. Y. STATE SOCIETY OF
PROFESSIONAL ENGINEERS
2952 Grand Central Terminal
New York City

February, 1934.

* * *

Do We Need Birth Control For Ideas?

(Continued from Page 7)

Is it wise, for example, to allow the whole existing capital and skill built up for the benefit of the community in a great system of railroads, to be put under sudden and final jeopardy by the introduction of the internal combustion engine, without check or control? Is it wise to allow the new power of flight, with its very small gains to the economic standard of life of the average man, to throw new burdens upon him as a taxpayer, and to create new international problems, for the settlement of which no machinery exists, without some effort to forecast effects and control them in advance?

Whether the particular discovery is the invention of a new amenity, such as the radio, or a new way of making old commodities, such as a boot machine, or a new discovery affecting food values, such as vitamins, they all create disturbances affecting existing capital and skill. Has the community any responsibility to relieve these misfortunes? If so, may not prevention be better than relief?

Now none of us ought to think such disturbance wholly evil, and we should regard them as an inevitable feature of progress, but is there not an optimum speed at which they can be absorbed to the general advantage?

In general, two physical limits have been set up by nature, which bear closely upon this problem: one is normal wearing life of a machine in a physical sense, and the other the normal working life of a human being. We will take the second first. After a preliminary education, we spend a great deal of time and money to make a man skilled for a particular occupation. If he is not able to put that skill to use for a reasonable length of time, but has to go through another initial process of education, there is great wastage and personal hardship. If he can complete his working life effectively in that occupation so much the better, and if the social necessity for the skill displayed in that occupation ultimately disappears through invention, the desirability of the son not following his father's footsteps in a dwindling occupation, is obvious.

Immediately, therefore, change of demand or method comes more rapidly than can be accommodated by natural attrition through normal retirements, and redirecting the flow of new labor and education in the rising generation to new points — directly, that is, change becomes so rapid that men become permanently unemployed, or are compelled to change the main direction of their energies within their lifetime—then we get, under present conditions social dislocation and hardship.

By analogy, if capital is invested in a machine which will not wear out for fifteen years, then, when it comes to be renewed, we can incorporate into its successor all the latest improvements, and the machine will have become obsolete in just about the same length of time as it is getting worn out. If, however, it is out-of-date, in five years, then ten years, of its good potential physical life is wasted, and a good deal of capital is unused. If the new machine affords really enormous benefits compared with the old, this should be worthwhile, but if the advantages conferred by the new machine are only marginal and slight, they do not offset capital, waste, and business, losses and depression are the result. A valuable ship may be made to look "obsolete" by one that is built soon after, with new gadgets which attract the passengers, but it doesn't follow this is good business for society.

Economic progress has been defined as the orderly assimilation of innovation into the standard of life of the common people. We may pay too high a price for a general rapid advance of two-thirds of the population, if it involves the distress and unemployment or impoverishment of the other one-third. It would be better for the whole front rank to advance at a speed of seven miles an hour than for a large number to go forward at ten miles an hour, while many of their colleagues fall down in the race, half kill themselves, and generally impede the orderly progress of society.

One of the most important factors in the past for adjustment to innovation, which we no longer possess, is the lessened rapidity in the growth of population due to the lower birth rate, now practically universal. When there was a constantly expanding market through an increasing number of new mouths and new bodies, there was a capacity for adjustment to an altered stream of supply, which introduced a very elastic element into society. But now that so many civilized countries are heading for a stationary population, this safety valve no longer exists, and the full force of every change in demand, through innovation, is expressed in an alteration in the demand of a certain fraction of the population and a corresponding immediate derangement of a certain fraction of supply.

The suit that is no longer wanted by Jim cannot be passed on to his younger brother, Bill; Elsie's frock is no longer cut down for Mary Ann, and the alteration this introduces into the tempo of economic change is far reaching and makes the modern problem all the more difficult. Change is more rapid and the capacity to meet it more restricted.

Thus 1,000 workers supplying a commodity to 10,000 consumers might formerly have become, on a twenty per cent increase in population, 1,200 supplying it to 12,000 consumers. If an innovation had lessened demand by sixteen per cent, the increase population would want no more than could be supplied by 1,000 workers, but no actual unemployment would result, and the additional 200 new young men would go into the innovating industries. But with a stationary population, an innovation that reduces an existing demand by sixteen per cent puts that percentage out of work until they can learn new jobs, move their homes, and, perhaps change their nationality and become citizens of other countries.

Do we too easily encourage the new babies of science to be born and left casually on the doorstep of society? It is quite true that the scientists will say that they make their contribution

to the good fortune of mankind in their own field, and they cannot be responsible for the disturbances in other areas that it may set up. This may be true of the individual scientist, but what is true of everybody individually may not be true of the whole, taken together, and it must be somebody's business to coordinate what is happening and perhaps to prescribe the rate at which innovation shall be absorbed, or the freedom with which it shall be practically applied.

If we were a completely unified community under omnipotent, omniscient central direction, novelty would be introduced in such a way as to minimize the wastes of obsolescence and the pain of human disturbance. It is because society is trying to snatch the advantages of individual initiative under uncoordinated conditions, that the vast new treasures of science create such a disturbing number of new problems as to provoke the question whether we are not paying too high a price for the rapidity of its progress. We are asking whether it might not be better to hasten slowly, to make no more scientific discoveries until we have absorbed those that already exist.

This is repellant to the average scientist, who thinks one cannot have too much of a good thing, or have it too fast or too often. The fact remains that we are human beings, with only a normal power of reaction to change, and we live in a society which has to have rules based on racial and tested experience, and which cannot change them at a moment's notice nor over-ride its national boundaries and deal with vast new international complications on novel lines, without a great deal of groaning and straining backwards and forwards in the process.

Must science ruin economic progress, or can we make the average human being, the average collection of beings in a nation, the average society, so resilient, so elastic, and so responsive that it can adapt itself far more quickly than in the past to far reaching changes? So long as men have sentiment and get attached to homes and places and skill in particular arts, and to speaking a particular tongue and working particular political organizations, so long do we set human limits to the speed of change. Yet, we do carry around an enormous lot of junk in eighteenth century constitutions and legal habits that we like to glorify.

Our habits of mind do respond to change, and it should be surely possible, first, to speed up the technique of change and adaptation; and, second, to introduce some coordination into the practical application of all new and far-reaching scientific ideas; and, third, to take some more social responsibility for hardships to individuals through no fault of their own, resulting from changes which benefit society.

Instead of assuming that nothing need be done until there is an overwhelming case for it, and we are, indeed, almost too desperate to do what then needs to be done; instead of supposing that nothing serious ever really happens until it hits us—let us have as a germ of our social and scientific organizations, some group of minds that can be eventually blamed and kicked for not having looked forward and warned us, and adjusted our social organization to meet the bump.

* * *

An Important Decision

(Continued from Page 8)

of the defendant. Conditions finally reached the point where defendant was unable to work in conjunction with some of the architects."

The Code, section 7098, directs that "only properly qualified persons shall practice architecture" in this state; that any person practicing architecture "shall be required to submit evidence that he is qualified to practice and shall be registered as hereinafter provided"; that it "shall be unlawful for any person to practice architecture" without registration, etc.

The practice of architecture necessarily includes the designing and drawing of plans for buildings, and since the defendant admits that he draws and furnishes building plans, his business is in clear violation of the statute, unless saved by its exceptions.

Section 7099 of the Code provides:

"Nothing in this chapter shall be construed as requiring registering for the purpose of practicing architecture or engineering by a person unless the same involves the public safety or health, provided he does not use the appellation, 'architect' or 'engineer,' or an appellation which is a compounding, modifying, or qualifying by an adjective of the word 'architect' or 'engineer' or both, and which gives or is designed to give the impression that the person using same is an architect or engineer."

This section of the Code is clearly in the nature of an exception to the general provisions of the preceding section, and as such may not be liberally or freely construed. It provides that if a person does not represent himself to be an architect, he may practice architecture without registration, "unless the same involves the public safety or health."

The application of this exception to the case before us depends upon the meaning of the words "unless the same involves the public safety or health." If the practice of architecture as pursued by the defendant does involve the public safety or health, he is required to be registered, regardless of whether he refers to himself as an architect or by some other name or descriptive term.

We are of opinion that the business of drawing plans and specifications for dwelling houses is a business which involves the public safety and health. It is on this hypothesis that architects may be required to demonstrate their ability by examination before they are permitted to offer their services to the public. In the construction of such buildings, it is contemplated that members of the public will enter and use them, as owner, guest, invitee or licensee, for business purposes or those of pleasure, and for varying periods of time. The safety of all such persons may be involved in the sound and stable construction of the building. The proper ventilation and sanitation of buildings involves the health of all who use them as habitations. Therefore one who offers himself to the public to design, plan and superintend the construction of buildings is engaged in a business which involves the public safety and health, notwithstanding his business is limited to the designing and construction of buildings intended to be used as private dwellings.

This phrase, "unless the same involves the public health or safety," appears again in section 7110, subsection (6), of the Code, as a limitation to an exception in favor of "persons, mechanics or builders," authorizing them to make plans and specifications for, and to supervise the construction of, buildings, constructed by them or their employes, without the use by them of the appellation "architect" or "engineer."

The use of the limiting phrase in section 7110 implies that in the contemplation of the legislature the construction of some buildings may not involve the public safety or health, while others may. It is clearly not every building which the legislature intended to authorize unregistered persons to plan and construct. The wording of the exception indicates that it is to be applied to particular instances wherein the construction of a building is proposed and undertaken by persons not engaged in the practice of architecture or engineering, and its application will depend upon whether the particular building is of such character and proportions as that its planning and construction involve the public health or safety. On the other hand, the phrase is used in section 7099 with reference to the practice of architecture, and the public there referred to contemplates and includes those members of the public who may consult and employ the practitioner. Regulation of a business or profession, as affecting or involving the public health and safety, is not inconsistent with legislative recognition and exception of specific instances in which the public interest is not apparent.

Applied to the business of the defendant, section 7099 permits him to exercise many functions ordinarily included in the work of an architect, if he does not use an appellation designed to give the impression that he is an architect. But he is clearly prohibited from holding himself out to the public as qualified to draw building plans or to undertake the responsibility of superintending the work of construction, which involve the safety of the structure and therefore the safety of the public. These things he may not do, by himself or by his agents who are not registered architects.

That these elements of design and construction superintendence are the primary objects of protection in the statute, is indicated by code section 7110, subsection (3), excluding the right of employes of a registered ar-

chitect to undertake "responsible charge of design or construction."

We hold that the facts proven and admitted sustain the ruling of the Chancellor that the defendant has practiced architecture in violation of the statute; and since his practice involves the public safety, it is not material whether or not the defendant represented himself to the public as an architect.

The constitutional question made by the appellant is stated in his answer to the original bill thus: "The attempted regulation of architects insofar as the planning, designing and building of private residences is concerned, does not bear such relation to the public health and safety as to render such regulations justifiable under the police power."

The test of this issue is stated in Motlow v. State, 125 Tenn. 547, 590, 145 S. W. 177, L.R. A. 1916F 177, quoted in Campbell v McIntyre, 165 Tenn. 47, 52 S. W. (2d) 162. "In determining whether such act is reasonable, the courts decide merely whether it has any real tendency to carry into effect the purposes designed—that is, the protection of the public safety, the public health, or the public morals," etc.

We have hereinabove expressed our opinion that there is a reasonable relation between the practice of architecture, although limited to the construction of dwelling houses, and the public safety and health. We have no doubt that the exclusion of incompetent persons from that profession has a tendency to protect the public safety and health, and therefore must conclude that the regulatory statute was enacted for that purpose.

The power of the legislature to regulate the practice of architecture, in the interest of the public safety, was conceded by counsel and sustained by this Court in State Board of Examiners, etc., v. Standard Engineering Company, 157 Tenn. 157, 7 S. W. (2d) 47. In that case the proceeding was merely to restrain the defendant from using the work "engineering" as descriptive of its plumbing business, without qualifying as a registered engineer, and no charge was made that the defendant was in fact practicing "engineering."

The appellant contended before the Chancellor, as he does here, that this proceeding may not be maintained, because at the time the bill was filed he was under indictment in a criminal court for the misdemeanor defined in the code section 7109. We think the pendency of a criminal prosecution is no bar to the present action. While proof of a violation of the statute is offered as a basis for the injunctive relief sought, no penalty is invoked and no punishment can be imposed herein. The judgment of the court can only act prospectively, and such is the only relief prayed. Delay or acquiescence on the part of the complainants is altogether immaterial, for there can be no prescriptive right, or right by estoppel, in an individual, to continue a practice made unlawful by a valid police statute.

In view of the nature of the defendant's legitimate business, as a decorator and designer, including no doubt some of the functions of an architect, so involving the public health or safety, as authorized by code section 7099, we think the injunctive relief awarded complainants should be definite and specific. The decree to be entered here will affirm the decree of the Chancellor that the defendant, at the date the bill was filed, was practicing architecture in violation of law, and will enjoin him (1) from representing himself in the conduct of his business as qualified to design, draw or furnish plans and specifications for the construction of buildings, or to supervise their construction; and (2) from entering into contracts to provide, or providing, such plans and specifications.

The defendant will pay the costs.

SWIGGERT, J.

* * *

The Chapter Unit

(Continued from Page 9)

made from the floor and not through the Board of Directors. If a member has any ideas as to the desirability of particular members for this committee, he should work for the election of them to the committee. If he does not do this he should accept the slate. A member always has the opportunity to vote for any other member he cares to for any office, and if he does not do so, he should at the least support the officers selected and not hinder them when they are acting within the limits of the constitution and by-laws. Decisions as to parliamentary decorum should be left reasonably to the Chair, without challenge.

Disposition of Motions, Etc.

The presiding chairman has certain duties and certain prerogatives, and it is his duty when matters are presented for consideration, to refer them to the respective committees, and he should be permitted to do this without being forced to argue the right and logic of his action. On subject after subject at these meetings, members make and second motions to take this or that action when as a matter of fact the matter is one for the consideration of some existing committee and it is the duty of the Chairman to refer it to that committee in his time. That is his job. This procedure has always proved effective. The matter is not allowed to lie forgotten in the committee. The committee acts in due time and reports back.

Improper Listings in Telephone Directories

Take the matter of improper telephone listings. In that case so timely and ably brought to the fore by one of our members, I acted as a committee of one and called on the Telephone Company officials and Dr. Steinman and wrote State President Chapman. Dr. Steinman was also handling this matter independently. As a result, he advises me that the Telephone Company has decided to eliminate 50 per cent of those names formerly listed as professional engineers in the new issues of the directories for the five boroughs of the Greater City, this spring. The other 50 per cent is in the process of correction.

"Elevator Engineers"

Another one of our most excellent members whose presence and decorum is always a delight, called attention to the fact that certain parties were conducting a so-called college and conferring degrees of elevator engineer. This matter was immediately taken up with the State Department of Education with the result that at the time this report was prepared two of the men have pleaded guilty and one not guilty, and they all face a possible sentence for a serious misdemeanor. I implore you one and all be alert. These are the things that add up. Let us do our job, always, thoroughly, timely, but be sure we are right; then go ahead. Charge your Chairman with his executive job. He will not fail.

Alert Board of Directors

Our Board of Directors follow closely what is going on in the Metropolitan district and in the state at large, and as matters require attention they are handled by our Board by an orderly and effective procedure. No one who knows intimately can question this, and too, besides they are making a living even as you and I.

Confidence of Members

I think that one thing the Chapter lacks is confidence on the part of some of its members towards officers whom I know, as Chairman, have spared no effort in their work and have done and are doing splendid work. We have had no shirkers, yet there are statements frequently made at the meetings that nothing is being done, invariably, however, from misinformed sources.

Amount of Dues—Expenses of Chapter

Some member declared that expenditure should be reduced and the dues made smaller. Last year a committee made a careful study of this question of dues and it was found that it would be most undesirable to reduce the dues. It is as necessary for an organization like ours as for any business organization to have a reasonble cash reserve for possible contingencies. Income and outgo about balance with but a small reserve. These figures are a matter of record, and if you ask your Tresurer, he will verify that statement. At this time there are a great many members who cannot pay their dues and the number is increasing rather than decreasing. It is possible reductions in our income from causes such as this against which we must guard, because our minimum fixed running expenses go on just the same. I want to make it clear at this point that the Chapter has never been put to expense because of Board meetings, etc. It was stated on the floor by a member, that we should not go to the expense of renting rooms for Board meetings, etc. There has not been a nickel spent out of the Chapter treasury in connection with any Board meeting or any spe-

cial meeting. Your Chairman has spent the money out of his own pocket, and that does not concern anybody else.

Rochester Meeting; Mr. Cram Chairman of Nominating Committee; Messrs. Riedel and Burke Prospective Candidates

We attempted to get a representation from this Chapter to attend the Rochester meeting but without success. Mr. Cram and myself were the only members from this Chapter who attended. In my case it was at considerable inconvenience as I had a previous engagement to attend one of the big dinners in Manhattan held that evening, and in addition, I had weekend guest at home and I had to leave my wife alone to act as hostess. It was on my motion that Mr. Cram was elected Chairman of the Nominating Committee of the State Society, and that, I think, was of considerable advantage to our Chapter and to its prestige. Our own dear Charlie Riedel is candidate for re-election on the State Board of Directors. He is eligible for the Vice-Presidency if such officer this year is to be nominated. Likely old ones will hold over. Our Charles Burke is, too, a candidate for either post.

Honorary Mention

Mr. Burke has given a great deal of his time and efforts to Chapter matters and he has attended many meetings regarding the proposed charter revision. Mr. Fred Ward has performed a monumental amount of work on the labor code, attending meetings in Washington, Albany, New York and other places. Mr. J. C. Riedel and Dr. Erich Hausmann have also given unstintingly of their time, and there are other members of the Board and Chapter doing outstanding work, whom I could mention.

Kings County Chapter Second Largest In State

In the matter of paid-up members which after all is what counts, ours is the second largest chapter, Manhattan being slightly larger.

Recognition of Chapter

I think, too, our members have done very well when you consider that one of our Directors, Mr. Philip P. Farley is Consulting Engineer in the Borough President's office, Mr. Charles R. Ward is Director of Public Works, Col. Robert Starr Allyn is a Deputy Commissioner in the Department of Sanitation and Mr. J. C. Riedel is in the Bureau of Sewers, and there are other important posts one could cite, for instance Mr. Dean G. Edwards is Chief Engineer of the C. W. A. Mr. Edwin H. Thatcher is Commissioner, Department of Buildings in this borough.

Need For Workers

The Chapter has need for plenty of working material. Your Chairman necessarily has to see how the members function before he can be a judge of their fitness. A member referred to what he called "scenery" on our Board of Directors. As a matter of fact, it is not "scenery." I have approached a great many men of prominence in our community regarding our Chapter and one of the first things they invariably ask is who are associated with us, and upon learning the set-up compliment us saying "Well those are top-notchers." I contend that for this reason alone it is always highly desirable for our Chapter to have conspicuous men in the community on our Board of Directors if we wish to enlist the support and co-operation of the leaders in the community. Let us not feel over-important now that we have laws. Rather let our position be one of dignity and humble feeling that the other big fellow who went on ahead, earned it and can help us.

Co-operation of Members

Elbert Hubbard said "The reward of good work is more work." But it is not a good idea to drive a willing horse to death, and when one shows that he is willing to go ahead he should not be hindered by destructive criticism. Every member should be a booster and if he cannot say anything good about a man he should remain silent. Members should consider all the phases of a subject before they become highly critical. Remember the lines:

I have always noticed great success,
Is mixed with troubles more or less.
The man who does his very best,
Gets more kicks than all the rest.

Suggested Board of Ex-Presidents

I think we should have an honorary board composed of our expresidents and possibly the other past officers and even chairmen of committees, although about the latter I have given but little thought. The members of this board would be men mature in the annals of the Chapter, who have given thought to the needs of the Chapter and who have weighed the benefits of certain policies, and whose judgments are seasoned, weighed and well-tempered. Shakespeare says: Slowly and wisely; he stumbles that runs fast."

The Chapter and the Community

We may be instrumental in having as many laws passed for the benefit of our profession as we see fit, and they will possibly operate for a time to our benefit, but if we wish to win the support and co-operation of the community, we must demonstrate that we are not merely an organization bound together by laws, but a professional organization endeavoring to raise the standards of our profession and work for the general good of the community. Unless we do this we will not succeed in convincing others of our worth, but when we have sold them that idea we will be welcomed. Our meetings should symbolize our calmness, ability and justice.

Mr. Frederick L. Cranford, a member of our Chapter, was the originator of the Ten Year Plan for Brooklyn and Long Island, which was worked out by the Chambers of Commerce of Brooklyn, Queens and Long Island, and one of the major items in this Ten Year Plan was the proposed freight tunnel from Greenville, N. J. to Bay Ridge, Brooklyn. Mr. Cranford met with General W. W. Atterbury, President of the Pennsylvania Railroad, Mr. George LeBoutillier, Vice-President, Mr. John E. Galvin, Commissioner and Mr. John Ramsey, General Manager, of the Port of New York Authority. A policy committee was created by these gentlemen, Mr. Atterbury appointing Mr. LeBoutillier, Mr. Galvin appointing Mr. Ramsey, and Mr. Cranford being the third member. This Policy Committee in turn appointed a Fact Finding Committee of engineers. For this committee, Mr. Ramsey selected Mr. Billings Wilson, Assistant General Manager of the Port of New York Authority, and Mr. LeBoutillier appointed Mr. L. V. Morris, Consulting Engineer of the Long Island Railroad Company. Mr. Cranford spoke to Mr. Fred Ward and others of our Chapter on the question of engineering talent for this committee, and as a result, I was asked and I accepted membership on this Fact Finding Committee, and at our first meeting I was elected Chairman. This Fact Finding Committee went into some of the engineering phases in connection with this proposed tunnel, and as its chairman I asked for and received the hearty co-operation and invaluable assistance of such trained experts as Mr. M. I. Killmer, Mr. C. W. Burke, Mr. Fred Ward, Mr. J. C. Meem and the late Robert Strachan. For more than a year we were working on this project without any remuneration whatsoever, purely as a civic duty.

Some of the salient facts about this proposed tunnel might be interesting to the members.

Length of tunnel, portal to portal—about 5 miles.

Length of under-water section of tunnel—about 3½ miles.

Top of rail in tunnel about 91 feet below mean sea level at maximum depth of tunnel.

Outside diameter of tunnel—23′3″. Inside diameter of tunnel—20′11″. It will be a single track tunnel.

Estimated Cost (including supporting yard and connections with other carriers) about $60,000,000.

Estimated cost of tunnel proper, about $40,000,000.

Estimated number of cars to be handled annually through the tunnel, slightly under 2 million.

Estimated capacity of tunnel—about 2½ million cars per year.

Estimated time to complete construction—about 4½ to 5 years.

The project would be self-liquidating.

Populations—Brooklyn, under 3 million, (2,679,443—1932); Queens, over 1 million, (1,213,109—1932); Nassau and Suffolk, nearly a half million, (463,507—1930). Total 4,356,059.

Policy Committee—Mr. J. E. Ramsey General Manager, The Port of New York Authority; Mr. G. LeBoutillier, Vice-President, The Pennsylvania Railroad; Mr. F. L. Cranford.

Fact Finding Committee—Mr. L. S. Stiles, Chairman; Mr. Billings Wilson, Assistant General Manager, The Port of New York Authority; Mr. L. V. Morris, Consulting Engineer, The Long Island Railroad.

Brief Resume of Society Accomplishments

The members of our Chapter might be interested in learning what we believe to have been the accomplishments of our State Society during the past year.

I already mentioned in the body of the reports that 44 counties are represented in 29 Chapters, in area about 85 percent, but in population more than 95 percent of the State. Since the Rochester meeting, Chapters have been organized in Broome, and Washington and Warren Counties, making a total of four new Chapters formed during the year, and six new counties represented by Chapters in our State Society.

The solidarity of our profession and the fact that it is a learned profession equally with law and medicine, has gained recognition and earned appreciation for the term "engineer."

The standards of qualification for license have been raised, thus assuring the public of an added protection, and the discriminations towards engineers in connection with the Multiple Dwelling Act, particularly in New York City, have been removed by legislation.

The engineering profession has been recognized by the C. W. A. and the P. W. A., and employment has been obtained for engineers through the co-operation of the up-state C. W. A., and an increase in some of the salaries paid for engineering services. Municipal authorities are recognizing the importance of adhering to our law in making appointments to positions involving engineering and construction. In two specific cases applicants who at first had been practically assured of appointment were later informed they would not be favorably considered unless they qualified and obtained licenses. The Society has obtained recognition as the representative of the engineering profession in this state in national conferences and in discussions with state and local authorities. There has been developed and promoted a spirit of co-operation between architects and engineers. There is a further recognition for the desirability of licenses as a prerequisite to taking examinations for civil service positions of the higher grades.

Your writer's clarion call is: members one and all to your jobs. Attend all your Chapter meetings. Study its governing laws. Read up. Inform yourself. Be a useful member. Desire work. Earn it by your personal conduct at meetings. Aim to master the large and small things. Work for your fitness for committees, then get on committees. Do your work. Work for others. Make our organization and our Chapter a credit indeed so that when engineers are wanted, knowing us and knowing our standards of honor, ability and justice, they will seek us. All this can be done, but each member must do his part without urge and unselfishly.

The chairman desires and strongly challenges a statement recently made on the floor wherein, in substance, it was stated: "Let's get somewhere here. We are five years old. In the first two or three years we went somewhere. Definite progress was made. But alas, what has been our more recent stride. Be a contributing member. Be a booster. Be a student and fair observer of what is happening in your Chapter. Be a critic, yes, by all means, but be a constructive critic. Attending meetings and paying dues are not alone a member's sole obligations. Good listeners are helpful to orderly procedure. Visit the State conventions.

Let us work freely and enjoy the present-day events. Let us seek and seize opportunity and build firmly, unselfishly and in a dignified manner befitting our profession, proving our bigness to cope earnestly and successfully and admirably with any matters pertaining to our profession, but above all, accept the best that can be accomplished. I know opportunity, convenience and finances govern not what we would like to do but what we actually can do. It is to be noted, however, that at one of the very recent conventions which was held in the Commodore Hotel in New York City last summer, and by-the-by on a Saturday, a day on which engineers are not liable to be working, while there was a number of members from the Kings County Chapter present, was a surprisingly small number considering the large membership in the Chapter. The writer attended all the State Society meetings, and this particular meeting did not break up until half past six. It would seem that few people have any excuse for not attending. If we do not attend the meetings, let us at least accept the other fellow's accomplishments. He is really doing our work. Let us not be like the lines in Browning's "Summer's Day":

"We look before and after and pine for that which is not."

The Chairman acknowledges with thanks and sees great value in the following thoughts contained in a letter from Mr. Edward J. Squire, and will urge upon the incoming administration and Board of Directors action and effort for the accomplishment of these ends which Mr. Squire suggests, as follows:

1. "It should continue to devote its efforts toward better public recognition of the engineer. It should use its influence to protect engineering work, and see that it is done by qualified engineers. It should take part in advising and co-operating in questions of public welfare when they require engineering knowledge.

2. "On October 18, 1932 (Board Meeting) President Burke appointed a Committee on Appraisal Restrictions. Mr. E. J. McCormick was chairman. The Committee was to investigate the matter of restricting appraisals of valuations (now performed by real estate brokers) to licensed engineers and architects as a matter of right under the license law and determine a way to take the question before the State Attorney General for a ruling. I believe that this was an important work. Although a member, I have not heard if anything was accomplished by the Committee. I would like to see this job finished.

3. "In order to bring about closer relationships within our own local chapter and to inform the membership of the accomplishments and aims of the chapter as well as the actions of the Board of Directors of the Chapter, I believe that a small bulletin such as that sent out each month by the Brooklyn Engineers' Club would be valuable. It could be started as a mimeographed sheet and be sent out in place of the usual meeting notice."

Regarding suggestion No. 3, permit a transgression by your Chairman in adding that this is a noteworthy thought, and I trust that a man of the talents of Mr. George Dorfman can be enlisted next year for just such a job. His Brooklyn Engineers' Bulletin is most excellent, and I always look forward to the pleasure of reading it each month, as doubtlessly many others do.

"At present our membership must be drawn from those engineers who have obtained their licenses to practice from the State Board of Regents. These men are, as a rule, mature. They know nothing of the existence of the Society until they are licensed. Joining the Society is not necessary for them. They can conduct their businesses without it. They do not need it to gain prestige in their profession. I feel that our chief selling argument is that the society attempts to accomplish these things that will benefit and protect the profession as a whole. I believe, however, that if we hope to have a large membership in the future we should acquaint young engineers with our existence so that they will desire to become members as soon as they are eligible. This could be accomplished by establishing a grade such as associate without voting privileges. Engineering students, engineering assistants, and all those interested in the profession should be eligible. They would have the privilege of attending meetings and receiving publications. A regular monthly bulletin or magazine published by the Society would have to be provided. It would have to contain more news of interest to this group than the present publication. Dues should be small—just enough to cover costs of making notices and publications.

"Such a procedure would establish a larger and more powerful organization having interest in the welfare of the profession. It would make more people conscious of our existence. It would furnish a nucleus for membership in the future."

Again your Chairman wishes to add just such a subject, covering all these points above was fully brought up and debated and finally agreed by a large majority vote at the Annual Meeting in Rochester, and President Chapman by this vote was directed to appoint a committee to discuss and formulate plans and recommendations to those ends.

The Chairman is grateful to everybody who assisted the administration by their committee work, by their helpfulness at the Chapter meetings, by their regularity of attendance, by their financial aid, and by their help in many other ways.

Respectfully submitted,

L. S. STILES,
President.

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